

THE REPUBLIC OF
NICARAGUA

An
Amnesty International Report

including the findings of a mission to Nicaragua

10-15 May 1976

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INTRODUCTION

Amnesty International has monitored the state of human rights in Nicaragua with increasing concern since the imposition of the decree of suspension of constitutional guarantees on 28 December 1974. What is offered here is a report of this investigation. In line with the statutes of Amnesty International, the focus is on political imprisonment, due process of law, the use of torture and political executions.

The evidence comes from the testimonies of prisoners, ex-prisoners, the relatives of prisoners, their lawyers, and observers living in Nicaragua, as well as government statements, public documents, published news accounts, and news reports officially censored from the press. This evidence, compiled by Amnesty International's Research Department, has been correlated with the findings of a mission sent to Nicaragua by Amnesty International from 10 to 15 May 1976.

The mission delegates were Dr Kurt Madlener, Director of the Department of Hispanoamerican Penal Law of the Max Planck Institute, Freiburg, Federal Republic of Germany, and Michael McClintock, a researcher in the Latin America Department of the International Secretariat of Amnesty International, London, England.

The mission made specific requests for meetings with the President of the Republic, General Anastasio Somoza Debayle, with the Minister of the Interior and Justice (Gobernación), the Minister of Defence, and with the President of the Supreme Court of Justice. The mission also requested to interview prisoners held in the Model Prison of Tipitapa.

In the event, the mission was able to meet briefly with only one government minister, the Minister of the Interior and Justice, Ing. José Antonio Mora.* No further official meetings were granted, nor was the mission permitted to visit places of detention or to speak to prisoners. However, the authorities made no effort to restrict the movements of the delegates, nor to hinder meetings with lawyers, churchmen and other private individuals.

The delegates had no problem in attending a public session of the Permanent Military Court of Investigation, the court formed in December 1974 to investigate the activities of the guerrilla organization Sandinist Front for National Liberation (Frente Sandinista de Liberación Nacional, FSLN). Subsequent sessions of the court, however, were postponed and did not resume until after the mission had left Nicaragua.

On the eve of their scheduled departure, in a cable to President Somoza Debayle, the delegates expressed their regret at the impossibility of meeting officials of authority and renewed their request to visit a specific list of prisoners who had allegedly suffered torture. No reply was ever received.

* See Appendix 1.

CHAPTER I: SUSPENSION OF GUARANTEES

On 28 December 1974 the suspension of the constitutional guarantees was decreed. This decree followed an attack by left-wing guerrillas on the home of Dr José María Castillo, a former government minister. In the initial assault, Dr Castillo was killed, as were Señor Lanzaro Muñoz and a member of the National Guard, Rolando Espinoza Arcia. Hostages were held by the assailants until they and 14 released political prisoners were provided with a large ransom and an aeroplane in which to fly to Cuba. The group claiming responsibility for the action was the Sandinist Front for National Liberation (Frente Sandinista de Liberación Nacional, FSLN).^{*} Immediately following the attack, President Anastasio Somoza Debayle suspended constitutional guarantees and imposed martial law throughout the country.

The decree of the suspension of guarantees pointed to the "existence of a conspiracy to subvert constitutional order, internal peace and the security of individual rights and the rights of property", and noted that the assault of 27 December 1974 was "a part of this conspiracy". The decree was to take effect immediately, and to be published by "proclamation (bando) and any means of diffusion available".^{**}

A principal objective of the Amnesty International mission was to inquire into the reported abuse of the provisions of the decree in regard to both Nicaraguan and international legal norms.

The Nicaraguan Constitution of 1974 provides for the suspension of constitutional guarantees and the rule of martial law when the Republic becomes involved in international or civil war or when there is imminent danger of such involvement, when there is an epidemic, earthquake or any public calamity, or when any other grave circumstance requires the defence, peace or security of the state or of its institutions (Article 197).

The decree to suspend constitutional guarantees must specify: a) the motive for the suspension; b) the specific guarantees or guarantee to be restricted or suspended and c) the territory that will be affected by the decree (Article 197). The first of these requirements is the most important as regards the duration of the suspension of guarantees. The constitution provides for mandatory termination once the initial causes that gave rise to the decree cease to exist (Article 197). A further limitation is the provision that the suspension of constitutional guarantees must not affect, for example, the inviolability of human life, "the prohibition against acts of cruelty or torture and infamous punishment" (Article 197).

* The FSLN was founded by students in 1958 as a revolutionary Marxist-Leninist group dedicated to the violent overthrow of the government. It takes its name from the guerrilla, César Augusto Sandino, who fought against United States military occupation forces in Nicaragua from 1927 to 1933.

** It was not, however, published in the official government record, La Gaceta.

The martial law provisions issued by the Nicaraguan National Constituent Assembly on 17 October 1974,^{*} set down the means and norms by which the executive exercises its special judicial and legislative powers. Article 7 states that "the military courts will have jurisdiction over the delicts against internal and external security of the State and against Public Order". Article 9 provides that "the military courts will proceed in carrying out the trials under Article 7 in conformity with the military laws in force".^{**}

Although clearly motivated by a single grave disturbance of public order, the most serious constitutional question in Nicaragua today is whether or not, over two years later, the original argument for the institution of the decree is still warranted. Whereas members of the political opposition attribute maintenance of the suspension of guarantees to the government's desire for sweeping powers to suppress the forces of opposition, the official interpretation - as given in May 1976 by Ing. José Antonio Mora, Minister of the Interior and Justice, to Amnesty International mission delegates - was that the military court's investigation of the assault of 27 December 1974 was still in process. In this regard, Ing. Mora noted (in apparent reference to prisoner Javier Carrion) that only recently had one of the alleged perpetrators of that assault returned from Cuba and been captured.

The Nicaraguan Constitution permits the suspension or restriction of constitutional guarantees by decree of the President only in specific circumstances (Article 197), and provides that the decree "shall be repealed upon the cessation of the causes for which it was invoked".

* Published on 11 November 1974.

** Artículo 9 - Las Tribunales Militares procederán en la tramitación de los juicios a que se refiere el Artículo 7, de conformidad con las leyes militares vigentes; pero en la aplicación de las penas, se sujetarán al Código Penal.

CHAPTER II: THE MILITARY COURTS

The majority of formally acknowledged political prisoners are held under the authority of the military courts, which were established by executive order following 28 December 1974.

There are two distinct military courts: the Permanent Military Court of Investigation (Corte Militar de Investigación Permanente, CMIP), which conducts investigations in order to bring charges, and the Extraordinary Council of War (Consejo de Guerra Extraordinario, CGE), which passes judgement on those charged. The first of these courts was formed in order to investigate the activities of the Sandinist Front for National Liberation which culminated in the 27 December 1974 attack. It comprises three magistrates, all of the rank of colonel or above. None appears to have had any legal training. The second was formed in July 1975, but has not, at the time of writing, heard any cases. It consists of five magistrates, all National Guard officers, and the Military Prosecutor, a lieutenant in the National Guard who holds a degree in law.

The function of the military courts is defined by (1) the Regulations for the Government and Discipline of the National Guard (Reglamento para el Gobierno y Disciplina de la Guardia Nacional), issued by a presidential executive order of 29 July 1943, and (2) the Military Judicial Code (Código Jurídico Militar), also known as the Code of Military Procedure (Código de Enjuiciamiento Militar), published on 16 November 1948, in accordance with an executive order of President Anastasio Somoza García.* The latter text includes the 1943 Regulations as well as two earlier texts on procedure for military justice: the Procedural Guide for Summary, Ordinary, General and Extraordinary Councils of War of the National Guard of Nicaragua (Guía de Procedimientos para Consejos de Guerra Sumario, Ordinario, General y Extraordinario de la Guardia Nacional de Nicaragua) and Instructions on Councils of War and Courts of Investigation (Instrucciones para Consejos de Guerra y Cortes de Investigación).

* Neither the 1943 Regulations nor the 1948 Military Judicial Code were published in the official government record, La Gaceta, nor did their promulgation fulfil the legal requisite for executive orders to be countersigned by a Minister of State.

NOTE:

As this report goes to press, word has come that a joint trial initiated by the Council of War on 13 December 1976 has resulted in verdicts of guilty, rendered on 25 February 1977, for 110 of the 111 defendants. The sentences imposed were from 18 months to the maximum of 30 years provided by the penal code. Seventy-five of the accused, including the defendant who was acquitted, were tried in absentia.

The constitutionality of these texts as law was challenged before the Supreme Court in 1956, following the assassination of President Anastasio Somoza García. Lawyers for defendants before the Extraordinary Council of War argued that various of the regulations had not been countersigned by a Minister of State, as required by the constitution, that they had not been published in the government record, La Gaceta, as required and that they infringed upon the jurisdiction of the legislature - neither the 1943 Regulations nor the 1948 Military Judicial Code were presented to the legislature for review or approval.

However, the Supreme Court, with two magistrates dissenting, ruled that all of the texts embraced in the Military Judicial Code of 1948 were "constitutional", on the grounds that all were based on the 22 December 1927 Munro-Cuadra Pasos Treaty between Nicaragua and the United States, which had been passed by the Nicaraguan legislature and thus acquired the status of law. This treaty, known also as the Treaty for the Creation of the National Guard (Convenio de Creación de la Guardia Nacional), provided for the occupation of Nicaragua by troops of the Marine Corps of the United States from 1927 to 1933. It formally arranged for the "assistance of the American Government in military affairs, through officers and enlisted men of the Marine Corps of that Republic" and made the National Guard the sole military and police body of Nicaragua.*

Article IV of the treaty stated that "the rules and regulations for the administration and discipline of the National Guard...will be proposed by the Director of that Guard and approved and issued by the President of the Republic", and added that "Councils of War organized in conformity with the rules and regulations of the Director of the National Guard will be able to try Nicaraguan officers and enlisted men in the Guard for the infraction of the said rules and regulations".**

In this context, the Supreme Court ruled that all texts issued subsequent to the treaty by the executive, regarding military justice, were to be considered constitutional and valid as law. This included the Regulations of 1943, issued but not published as legislation, as well as the other texts incorporated in the Military Judicial Code of 1948 which were described as "simple rules and ordinances" (simples reglas y ordenanzas) for establishing the structures and procedures of the military courts.***

* El Fuero ordinario en la Justicia militar: sentencia de la Exma. Corte Suprema de Justicia, en los recursos extraordinarios que introdujeron los reos de los sucesos del 21 de septiembre de 1956 (Managua: Ministerio de Gobernación y anexos, page 117). Signed by Carlos Cuadra Pasos, Foreign Minister of Nicaragua, and Dana G Munro of the United States, the treaty was ratified by the legislature on 21 February 1929 and published in La Gaceta on 4 April 1929.

** Ibid., page 118.

*** Ibid., page 121.

In times of constitutional normality, the military tribunals have exclusive jurisdiction over members of the National Guard only as regards criminal acts of a military nature (Article 276, Constitution of 1974). Civil courts have exclusive jurisdiction over civilians as well as over military personnel who have been accused of non-military offences (Articles 276, 280, 281, Constitution of 1974). As provided for by the Martial Law of 1974, the jurisdiction of the military courts extends to all criminal acts "against the internal or external security of the State or against Public Order" (Article 7). The proceedings are to be carried out in accordance with "the military laws in force", but penalties are to be applied in accordance with the (civil) penal code (Article 9, Martial Law of 1974). In all instances, trials are prohibited by "judges other than those designated by law" (Article 197, Constitution of 1974).

As the Martial Law was passed by a National Constituent Assembly (Asamblea Nacional Constituyente) and, in the Constitution (Article 331), is named as a "Constitutional Law" (Ley Constitucional), that is, a law in equal standing to the Constitution, such extension of the jurisdiction of the military courts to include civilians charged with specific crimes under a decree of suspension does not appear to contradict the Constitution. The apparent contradiction between Article 7 of the Martial Law of 1974 and Articles 280 and 281 of the Constitution of 1974 does not require that the Constitution takes precedence but rather that the Constitution is so modified for the period of the decree of suspension.

Consequently, there can be little argument but that the martial law legally provides for civilians to be tried by military courts for specific crimes. There is, however, reason to question whether the existing military codes are, in fact, legitimate instruments. A basic argument of defence lawyers in the current proceedings, as was the case in 1956, is that the military codes which are in force, and which serve as the foundation of the existing system of military justice (the structure and composition of the courts, their jurisdiction, their proceedings), are mere regulations and cannot be considered as laws.

A further issue of questionable legality in the current proceedings of the military courts against civilians relates to the maintenance of the suspension of guarantees. Article 7 of the Martial Law of 1974, which provides for the extension of the jurisdiction of military courts to civilians, presupposes that the suspension is maintained in accordance with Article 197 of the Constitution of 1974. However, it is doubtful that the continuation of the suspension of guarantees in Nicaragua is today in accordance with this Article 197.

The Permanent Military Court of Investigation carries out functions which, in other circumstances and legal systems, would be those of a Juez de Instrucción, a District Attorney, or a Grand Jury - that is, it conducts preliminary investigations which may lead to indictments.

Prisoners are first summoned individually to testify before the court. If grounds for prosecution are found, indictment follows. Prisoners are then permitted to name their defence lawyers. At this second stage of the hearings, the evidence is clarified and arguments for the defence are presented. Until 1975, even though the hearings often involved many prisoners, only the lawyer with a client who was currently the subject of a particular phase of the hearings was permitted to be present in the courtroom. In March 1976, a group of defence lawyers threatened to resign en masse if this condition remained. The proceedings

were subsequently transferred to a more spacious room, permitting the lawyers to be present. Even so, the defence lawyers may still only intervene with questions, objections, and so forth, when their individual clients are the particular subject of the hearings.

During the hearings, a clerk records on a typewriter all questions and answers, the transcript of which becomes the Register of Proceedings (Registro de Procedimientos).^{*} A recent challenge by defence lawyers about the accuracy and completeness of this record has led to a provision for tape-recording the proceedings. Local newspaper reporters are now also allowed to use tape recorders in the courtroom during hearings, although the military censors have final say as to what can be published.

If the indictment by the Permanent Military Court of Investigation "stands up" after the hearings, which include the arguments of the defence lawyers, the case passes to the Extraordinary Council of War. This court conducts the actual trial and renders judgement. However, the judgement - if it can be considered a judgement in the usual sense of the word - is by no means final. For the case is then transmitted to the Autoridad Convocadora, a high-ranking military officer designated by the President of the Republic. Only if and after this officer approves the verdict and the sentence do they become effective. In a sense, then, the Council of War does not pass judgement so much as it elaborates a proposition to be presented to the Autoridad Convocadora for its judgement.

Once the decision of the Council of War has been approved, the defendants may request that it be revised. This occurred in 1957, in the proceedings occasioned by the assassination of President Anastasio Somoza García. Three military officers were appointed by the new President, son of the assassinated President, to serve as the revising authority (Autoridad Superior Revisora).^{**} Judging from this instance, the revising authority is more an executive body than a judicial body strictu sensu, although it is called a "tribunal".^{***} However, only legal arguments are heard by this body.^{****}

* The Amnesty International mission found the use of the typewriter, because slow and noisy, a disturbance in the proceedings. For a description of their visit to trial proceedings, see Appendix 2.

** El Fuero, page 87.

*** Ibid., page 93.

**** The revision in the 1957 proceedings was made very quickly. The defendants were given 48 hours in which to present their arguments. The proceedings began at 3.00 p.m. on 1 February 1957 and the following day the revising authority communicated its decision to the defendants. Ibid., pages 93, 107, 115.

Once the military appeals procedure has been exhausted, it is still formally possible to appeal to the highest civil court in Nicaragua, the Corte Suprema de Justicia. However, the scope of such an appeal seems to be extremely restricted. During the 1957 hearings, for example, the Corte Suprema ruled that procedural errors in the lower military courts could not be brought to its attention.* It also ruled that the "nameless" (innominado) appeal under Article 173 of the Code of Military Procedure is an extraordinary appeal (recurso extraordinario).** This, according to its interpretation, permitted the Supreme Court to rule only on whether or not the military court had the right to jurisdiction, whether or not it had been legally appointed (constituted), and whether or not the judgement passed had a legal basis, that is, whether or not the sentences were in accordance with the penal code.*** Although, according to Nicaraguan law, the Supreme Court is not bound by precedent, if this restrictive interpretation of its role vis-à-vis the military courts is continued within the present Supreme Court, it will mean that once a case has passed from the military court to the Supreme Court there will be no way to challenge the manner in which the evidence has been dealt with or, in general, to question whether or not the military court proceedings were conducted in accordance with the principles of due process.

Nicaraguan defence lawyers whom the mission delegates met are highly critical of the procedures followed in the military courts. Their main criticisms are (1) that most prisoners are initially brought before the Court of Investigation as witnesses, without the assistance of defence counsel and without being advised that they do not have to answer incriminating questions, after which their statements are used against them; (2) that the lawyers could defend their clients more effectively if they were permitted to intervene at any point where their client's interests are at stake and not just during those parts of the hearings officially allocated to them; (3) that the trial records are not always accurate,**** the defence lawyers are not permitted to copy the records but only to inspect them while in the courtroom,

* Ibid., page 87.

** Ibid., page 93.

*** Ibid., pages 93, 107, 115.

**** On 18 February 1976, the newspaper, La Prensa, reported the protest of lawyer Dr Aquiles Centeno Pérez to the court that the defence's interventions were not faithfully included in the record. Military Prosecutor Dr Lt Isidoro López Prado tacitly conceded the point when he interrupted and said that Dr Centeno Pérez was referring to "incidental matters that were not worth recording". The court ruled that all interventions should be duly recorded and ordered that henceforth all proceedings should be tape-recorded. On 19 March 1976, La Prensa reported that prisoner Luis Armando Guzmán Luna had been asked after his 12 February indictment by the court to confirm testimony given earlier in his capacity as a witness: "Guzmán confirmed his declaration given as a witness to the same court some months ago, but made certain observations..." Galley proofs of the La Prensa article reveal that, prior to publication, the censors deleted what qualifications Guzmán Luna offered to the trial record of his previous statements, namely, "that there are questions that were wrongly interpreted, wrongly copied, or presumably altered".

which offers them very little time, most especially before a hearing is conducted* and, on some occasions, they have been refused access to the trial records and to the taped transcripts and (4) that many of the prisoners are still in shock and suffering from the after-effects of ill-treatment or torture when they appear in court.

The Amnesty International delegates had little opportunity to determine whether or not any or all of these criticisms were well-founded. Other than a conversation with Ing. Mora, Minister of the Interior and Justice, whose general negations did little to dispel misgivings about the use of torture, the delegates were not permitted talks with government officials or prisoners. However, the numerous reports received by the delegates while on the mission lend credibility to the charges of the defence lawyers and justify several observations.

1. While it is not unheard of for witnesses to give evidence which implicates them in criminal activities, and which consequently leads to their indictment, the cases reported in Nicaragua suggest that this is more than an occasional occurrence. The individuals originally giving evidence as witnesses without the right of counsel, then later as suspects, have, for the most part, already been in prison for several months before being called as witnesses. This presents at least a prima facie case of bad faith on the part of the authorities, constituting a violation of Article 53 of the Nicaraguan Constitution (the right of silence).** It is difficult to see how evidence gathered in this way could be the sole basis for an indictment, as is said to be the case.
2. The refusal of the Court of Investigation to let defence lawyers intervene in all hearings, and not only in those officially allotted to their respective clients, is in principle unobjectionable, since the function of this Court is to conduct an investigation, not a trial.

* On 13 March 1976, La Prensa reported the protest of lawyer Dr Mario Mejía to the court that he had been unable to prepare an adequate defence for his client, Luis Armando Guzmán Luna, in the short time that had been given him to examine the court record of the case. Guzmán Luna first gave evidence as a witness on 28 October 1975. He was then summoned to court for indictment on 12 March 1976, at which time Dr Mejía was assigned to him as defence counsel and asked to present his defence. On acceptance of the case, Dr Mejía requested a recess in order to examine the court record. The court ruled that "as a kindness" (como benevolencia) a 15-minute recess would be permitted for him to study prior testimony. Dr Mejía protested that this decision would mean that his client could hardly be defended accurately, as it was "absurd to imagine that some nine hours' worth of evidence could be read in 15 minutes".

** "No one may be forced to testify against himself in a criminal, correctional or police matter, or against his spouse or his relatives within the fourth grade of consanguinity, or second of affinity."

However, since the military court procedure follows an "inquisitorial" pattern, it is unlikely that the trial court will request that all evidence be given in open court, but it will follow the old maxim: "What is not in the record does not exist" (lo que no está en el sumario no está en el mundo). The records of the Court of Investigation will then become definitive as regards evidence and the Council of War, that is, the trial court, will, in the main, restrict itself to hearing the two sides of the legal argument.* In this circumstance, the Court of Investigation will no longer be just an investigating body for preliminary findings to be completely re-examined by the trial court, but will itself now exercise some of the functions of a trial court.

3. The record of the trial is important because of the nature of the Court of Investigation's proceedings. This record is most likely to provide the factual basis for the decision of the Council of War. It is therefore difficult to understand why adequate procedural safeguards, guaranteeing that the defence can introduce corrections when the court record appears to be inaccurate, do not seem to exist. Any restrictions of access to this record, so far as they occur, would, of course, be a limitation to the right of defence contrary to due process.
4. Needless to say, the use of torture, in any form, would be a flagrant contradiction of Article 52 of the Nicaraguan Constitution. The reported practice of the Prosecutor to request the Court of Investigation to add perjury charges to defendants who tell the Court they have been tortured, instead of first requesting an investigation of such allegations, is, if true, deplorable, even if not entirely inconsistent with the overall picture.

* The Council of War which tried 21 persons for the assassination of President Anastasio Somoza García in 1957 (the last Council of War under the suspension of constitutional guarantees in Nicaragua) appears to have proceeded in this way. Its hearings lasted from 8 January to 11 January 1957.

CHAPTER III: POLITICAL PRISONERS UNDER THE MILITARY COURTS

Political prisoners detained by security forces when investigating crimes affecting internal security are either directly or indirectly under the authority of the military court of investigation. This responsibility of the military courts extends to those prisoners detained and not acknowledged to be in detention, as well as to those prisoners who have been taken before the court and formally indicted.

Prisoners acknowledged to be in detention are almost exclusively limited to persons who, having passed some time in the custody of the Office of National Security, the intelligence service of the National Guard, have then appeared before the military court in the capacity of witnesses. Prior to this initial appearance before the court, these prisoners have been held in near total seclusion, with their identity, their place of detention, and the reason for their detention known only to the authorities. Just as arrests are often not acknowledged, so in many cases releases are not acknowledged or reported.

In western and northeastern Nicaragua, prisoners who are not acknowledged to be in custody vastly outnumber those who are formally acknowledged and indicted. Most prisoners in western Nicaragua, where arbitrary mass arrests occur periodically in the individual small towns, are held for relatively short periods and are never taken to testify before the military court. In the rural areas of the northeast, prisoners detained in apparently arbitrary, random group arrests, that take place in villages suspected of harbouring or supporting guerrilla forces, often simply "disappear" and do not reappear.

In these circumstances, it is impossible to compile adequate statistics on the total political prisoner population of Nicaragua. Even in the category of acknowledged political prisoners, by far the smaller number, accurate figures are difficult to assess. One index is the number of witnesses called before the military court. Most witnesses are, in fact, prisoners who have been held for varying periods of time. All of the indicted prisoners known to Amnesty International were initially called before the court to testify in the formal capacity of witnesses. A press report with official statistics for three months of hearings before the military court, from 27 October 1975 to 25 January 1976, reveals that during this period 170 witnesses appeared and that at the end of the period 62 remained in detention. In the first year of the military court hearings from January 1975 to January 1976, a total of 381 witnesses were called to testify.

The strongest information - but in no way indicative of the scope of political imprisonment in Nicaragua - concerns indicted prisoners. As of 29 March 1976, the confirmed number of indicted political prisoners was 42. At present, Amnesty International knows of 61 indicted political prisoners. Most come from the densely populated departamentos along the Pacific coast - Chinandega, Leon, Managua, Carazo, Masaya and Granada, or from the western parts of the regions of Matagalpa and Nueva Segovia. All of these areas are linked by a relatively good road system and are otherwise fairly well integrated into the life of the country. Amnesty International also has the names of 47 other prisoners reportedly held in Tipitapa Prison or detained in regional command posts of the National Guard in the western areas, who do not seem to have been

formally acknowledged by the military courts to be in custody or reported to have been released.*

Prisoners indicted by the military court are almost all held in the relatively modern Model Prison of Tipitapa, where conditions are reasonably good. However, visitors and access to lawyers are strictly limited. Nine women prisoners are known to have been held in the jail of the Managua police headquarters, commonly known as "Cárcel la Aviación" during the last half of 1976 and the first months of 1977. Conditions were reported to be deplorable, leading to a long hunger strike by the women prisoners, supported by male political prisoners in Tipitapa Prison. In a letter smuggled to the outside which announced the beginning of the hunger strike, the women prisoners stated that they were being held incommunicado, that their cell measured two by four meters, that the floor was permanently wet and there were insufficient sanitary facilities, that the roof of the jail was made of thin sheet metal which together with the lack of ventilation made the prison cells insufferably hot, that the food was inadequate and unhygienic and the purchase of supplementary food was prohibited, and that prisoners were not allowed to leave their cells for any reason. The main demand of the hunger-strikers was for the women prisoners to be transferred to Tipitapa Prison. No concession was made by the authorities and, at the time of writing, it is not known whether these women or any other indicted prisoners remain in custody in "Cárcel la Aviación".

All prisoners to date who have been indicted by the military court have been charged with having some relationship to the guerrilla organization, Sandinist Front for National Liberation. These charges are formulated according to various crimes enumerated in the Penal Code. Some of the prisoners have been charged with specific violent crimes, such as homicide, kidnapping, or destruction of property. Most of the prisoners, however, have been charged with violation of Articles 493, 521 and 522 of the Penal Code, which deal with offences against public order, the internal security of the State, and the Constitution, and which do not of necessity include specific acts of violence.

Article 493 - "He who forms a part of an association or band of more than three persons, organized with the permanent object of committing crimes, through the common accord and reciprocal support of its associates, will incur imprisonment from one to three years without prejudice to the sanction corresponding to the crimes that might be committed. Such a sentence will be increased up to the third part for those who act as chiefs or directors of the association."

("El que forme parte de una asociación o banda de tres o más personas, organizada con el propósito permanente de cometer delitos, mediante el común acuerdo y recíproca ayuda de los asociados, incurrirá en prisión de uno a tres años sin perjuicio de la sanción que le corresponda por los delitos que cometa. Tal pena se aumentará hasta en una tercera parte para los que actúen como jefes o directores de la asociación.")

* See Appendix 3

Article 521 - "The attempt to destroy or alter through acts of violence the Political Constitution of the State will be punished by arrest for one to two years that may not be commuted."

("La tentativa para destruir o alterar por vías de hecho la Constitución Política del Estado, será castigada con arresto inmutable de uno a dos años.")

Article 522 - "Whoever incites the non-observance of the Constitution of the State, or attacks the republican and democratic regime established within it, or who should directly support such activities, will be punished with the sentence of six months to two years of detention that may not be commuted."

("Será castigado con pena de seis meses a dos años de arresto inmutable el que incite a la inobservancia de la Constitución del Estado, o ataque el régimen republicano y democrático establecido en ella, o que favorezca directamente tales actividades.")

In the cases studied by Amnesty International, it is apparent that some of the prisoners have, in fact, practised violence or have knowingly supported specific acts of violence. Several of the prisoners who presented extensive testimony before the military court outlined the ideological basis of the FSLN guerrillas and acknowledged their support of its policy of revolutionary violence. However, from incomplete evidence it seems that prisoners who openly state that they have been members and activists in the FSLN are in a minority. Others of those indicted apparently took no part in the activities of the FSLN although they were in some way circumstantially in contact with FSLN members. Still others admit to having cooperated knowingly with members of the FSLN, but claim they did so only because threatened with death or other violence if they did not.

The cases which follow in abbreviated form are of political prisoners who do not appear to have used or advocated violence but who apparently, in one way or another, have had some relationship with the FSLN guerrilla organization.

Dr Plutarco Anduray Palma, a medical doctor, accused of selling medicine to a member of the FSLN. During his trial, Dr Anduray Palma acknowledged that he had sold medicine to Alfonso Arguello, whom the court identified as a member of the FSLN, but claimed that the relationship was circumstantial and that he had no knowledge that Arguello was a member of the FSLN as he was "not in hiding but working openly". Dr Anduray Palma consistently denied before the court that he supported either the aims or the activities of the FSLN, and asked that it be recorded that he had been a life-long member of the Liberal Party - the ruling government party - and that he had given medical treatment to members of the Office of National Security during his imprisonment.

Félix Pedro Meneses Lira, a 40-year-old farmer, and Rosaria María Rivera Lanuza, both from Departamento Chinandega and both detained in January 1976 on the testimony of Denis Moncada Colindres. Accused of serving as messengers for the FSLN and of having given lodging to an FSLN member known as "Mario". The defendants admitted in court to being aware that "Mario" had been hidden in the house of a local priest, who said he gave the man lodging for humanitarian reasons (por humanidad). Rosaria María Rivera told the court that she had said to "Mario" that she refused to be clandestine or to go into the mountains.

Pedro Meneses Lira reminded the court that he had surrendered himself at the National Guard headquarters in Ocotal and had not been captured. From the evidence given, it seems both were aware that "Mario" was a member of the FSLN but they failed to denounce him to the authorities. Material evidence of having served as messengers of the FSLN has not come forward, nor of involvement in specific criminal acts.

Hilda Herrera Herrera, a 37-year-old hospital receptionist. Charged with having carried messages for the FSLN, Señora Herrera was asked in court about her relationship with Tomás Borge Martínez, one of the founders of the FSLN, who is now in custody and charged with murder, kidnapping and other specific violent crimes. Señora Herrera said that Borge first came to her house calling himself Rolando and asking to rent a room. He said he was a doctor who would be in Managua only occasionally. Señora Herrera told the court that a relative of hers recognized Borge from school days and advised her not to let him a room. Señora Herrera said she then refused Borge's request for a room, and claims that he threatened her and her children with violence. In fear, she agreed to receive mail for Borge at her house. Señora Herrera said that she had sought advice from two National Guard officers she knew, Colonel Alegrett and Officer Moreno, but neither was available when she looked for them. She had not reported Borge to the authorities because she feared his threats and she feared imprisonment.

Juan de Dios Torres, aged 74, owns and works a farm in the region of Chinandega. He was accused of having given lodging to Amilcar Lorente Ruíz, a member of the FSLN at present in detention. Lorente Ruíz was charged with the "execution" of five members of the FSLN, allegedly for betrayal or "desertion". Following his testimony, Lorente Ruíz led investigators of the court to the place where two of the victims had been buried. One body was disinterred on Juan de Dios Torres' farm. However Lorente Ruíz did not implicate Señor Torres in the killings, and Señor Torres testified that he had not known about the killings but had permitted Lorente Ruíz to stay on his farm because he and his family were threatened with violence. When asked by the court why he had fled when members of the court arrived at the farm on 13 December 1975, the day the bodies were found, Señor Torres replied that he had not been aware that members of the court were with the security forces, and that previously in October 1975, when briefly detained, he had received a severe beating with rifle butts by troops of the National Guard.

CHAPTER IV: POLITICAL PRISONERS UNDER POLICE COURTS

Although most of the alleged violations of human rights in Nicaragua that have been reported to Amnesty International relate directly or indirectly to the suspension of constitutional guarantees and the rule of martial law, there was one form of political imprisonment encountered by the delegates which stands outside this circumstance and which was not foreseen prior to the mission. This was the pattern of relatively short-term imprisonments, from 30 to 180 days, ordered in summary proceedings by a police judge for relatively minor, political offences. In a disturbingly high number of these cases, the Amnesty International mission learned that there had been severe maltreatment and that detention and judgement were arbitrary. It seems offenders are often tried and sentenced by police courts without physically appearing before the police judge, a procedure in direct violation of the Nicaraguan Constitution (Articles 44 and 50). Furthermore, there have been a number of cases reported of local political activists, such as trade union members or regular members of legal opposition parties, suffering repeated periods of detention by order of police judges in what appears to be a pattern of harassment or political reprisal. The offences of a political nature for which these prisoners appeared before the police judges included possession or distribution of "subversive" literature, as, for example, leaflets of a legal but unregistered opposition party, and unauthorized travel to a socialist country. Apparently, prisoners detained solely for activities in legal opposition parties or in trade unions, even under martial law, are not normally taken before a military court but are held in custody by a police judge.

The Nicaraguan system of police courts was founded and is still governed by the Police Code of 1880 (Reglamento de la Policía). Subsequent regulations issued by the executive and pertinent laws passed by Congress, such as the Law of 17 July 1948 "On Attributes of the Police Courts", have been incorporated in the 1952 edition of the Police Code, but the basic structure and procedural guidelines remain as they were established by the Code of 1880. Similarly added to the 1880 text is the legislation that enumerates infractions which fall under the jurisdiction of the police courts, as also correspondent penalties.

According to Article 3 of the Law of 17 July 1948, police judges are required to be "more than twenty-five years of age, of known honour, and with an understanding of the law" (entendidos en derecho). There is no requirement for formal legal training.* Article 7 stipulates that there is no "incompatibility" if police judges are at the same time on active duty in the National Guard, which is the actual position of most police judges in Nicaragua today. Article 1 describes the role of the police judges within their local areas as "the resolution and establishment of penalties" in cases of "grievances, offences, violations or police questions" as specified by law.

* This is not unusual in a police court system. However, Article 566 of the Police Code notes that, since police court judges are to be solely responsible for their rulings, they are "prohibited from consulting a lawyer" (prohibido consultar con letrado).

The procedures to be followed are listed in the form of guidelines in Title VI of the 1880 Code. Police judges are to proceed administratively (gubernativamente) in "the investigation and punishment of police offences" (Article 550). The administrative procedure is defined as "hearings and rulings without the form or figure of a trial".* The police judge is to form his opinion "through any means of proof established by the laws" (Article 551). There then follow various rules (Article 552) which "in general" are to be observed in these proceedings, one of which (Section 1) stipulates that the proceedings shall be carried out by the "competent Chief of Police" (Jefe de Policía) in oral hearing and outlines how the interrogation is to be conducted and how the evidence is to be interpreted. Of special interest is the provision for the arrest of offenders in flagrante delicto, including when such an arrest is carried out by the police judge himself. In the latter case, normal summary proceedings are abbreviated and simplified, since the police judge will himself be able to establish the occurrence of the crime and the circumstances of the detention, and will not need to swear an oath or be supported by witnesses (Article 552, Section 4).

The right to appeal against a decision of the police courts is also provided by law. The first instance of appeal is to the highest political authority in the department in question, the Political Executive (Jefe Político). The subsequent and final appeal is to the Supreme Court.

Police courts have jurisdiction only over relatively minor offences, and are empowered to administer fines as well as sentences of up to 180 days in prison. They can also stipulate that a sentence may or may not be replaced by a fine.

By law, the prisoner has the right to get in touch with a lawyer prior to his hearing and to present a defence. However, none of the ex-prisoners known to Amnesty International were permitted any communication with lawyers, family or friends before their hearings and very few, to their knowledge, were ever physically before a judge.

Although the Nicaraguan press is censored, short-term political detention without any visible judgement on the part of a court is frequently reported in the regional press. In January 1975, José Esteban Gonzáles, the National Treasurer of the Nicaraguan Christian Democratic Party (Partido Socialcristiano), along with other local opposition leaders, was detained, apparently arbitrarily. Señor Gonzáles was kept incommunicado for 52 days and then released. No charges seem to have been brought against him. His colleagues were held for shorter periods.

In mid-December 1975, a meeting planned by the Union of Peasant Workers (Sindicato de Trabajadores Campesinos, STC), an affiliate of the World Confederation of Labour, near Jalapa, Nueva Segovia, was disrupted when the National Guard detained five of the principal leaders of the STC, as well as

* "El procedimiento gubernativo consiste en conocer y fallar sin forma ni figura de juicio, adquiriendo el funcionario su convicción por cualquier medio de prueba establecido por las leyes." (Article 551)

leaders of its Nicaraguan affiliate, the Nicaraguan Workers' Confederation (Central de Trabajadores de Nicaragua, CTN), including the national Secretary General, Adolfo Bonilla. The trade unionists were badly beaten and their heads shaved. After two days, they were released with the warning not to return to Nueva Segovia.

In cases such as these, where detention without appearing before a judge apparently exceeds the legal limits - generally 24 hours (Article 41, Constitution of 1974) - it is difficult to know whether this constitutes an arbitrary abuse of police power or whether a police judge has, without a hearing, issued the detention order or imposed a sentence. For all practical purposes this may be the same since, as stated earlier, the police judge is usually a police officer and the authority to which a first appeal goes is always an administrative authority. The Nicaraguan police court system can therefore hardly be characterized as judicial in nature so much as a system of administrative sanctions, that is, fines and short-term imprisonment, with judicial control relegated in the last instance to the Supreme Court.

When in Nicaragua, the Amnesty International mission discussed political imprisonment under the police courts with various lawyers, members of the legal opposition parties, and two independent trade union leaders who had themselves suffered periods of imprisonment for their trade union activities. The delegates also obtained a number of documents which contained sworn statements, press clippings, and publications of relevance to police court imprisonment. One such document, handed to the mission delegates in a restaurant by a man who did not identify himself, was a publication of the Nicaraguan Ministry of Information and Press (undated). It included valuable information on a number of cases of persons detained by the police courts. Officially prepared to refute statements on human rights in Nicaragua made by Nicaraguan newspaperman Dr Pedro Joaquín Chamorro, in October 1975, to the Inter-American Press Association, it bore the title, "The Truth about the Declarations of Dr Pedro Joaquín Chamorro C. before the Inter-American Press Association".

The most striking documentation received by the mission was more than a dozen sworn statements signed by ex-prisoners, and a sworn statement signed by the wife of a prisoner.* These testimonies speak of suffering as many as three periods of imprisonment during a single year, as well as severe maltreatment and extremely poor prison conditions. One of the ex-prisoners says that he was kept handcuffed for 25 days; others claim they did not see daylight for the full 180 days of their prison terms and that they were not permitted to speak to other prisoners or to their guards. The case of Juan Chavez Triana has a number of features which seem common to political imprisonment under the police courts. It is based on the prisoner's own sworn testimony,** the government document cited above, and other sources.

* For a sampling of these statements, see Appendix 4.

** The sworn statement received by the mission from Señor Juan Chavez Triana is dated 23 April 1976.

Juan Chavez Triana is the Secretary of Conflicts of the Union of Graphics Workers of Managua. On 7 July 1975, he was detained by a patrol of the Managua City Police, part of the National Guard, who took him to the Central Police Station. He was unable to notify anyone of his arrest and he remained in complete isolation until his release more than seven months later.

Señor Triana claims that he underwent an extensive and brutal interrogation, largely about trade union matters: "They put a black hood on me which made breathing difficult and which prevented me from seeing the persons who were interrogating me...(for) seven consecutive hours, imputing against me punishable crimes that I had never committed". According to Señor Triana, prison conditions were very poor. "In regard to food, this is highly deficient, as the rations of food do not reach five hundred calories per day, since the diet consists...of a small maize tortilla and a spoonful of rice or broken beans." In addition, throughout his imprisonment, Señor Triana was kept in isolation, "I was not permitted visits from relatives or friends...In the cell in which I remained prisoner they always kept me alone, incommunicado from the outside world and in a space one meter by two, with unbearable heat and sleeping on the floor".

Señor Triana's relatives, along with the relatives of four other trade unionists also detained, in January 1976, protested the refusal of the authorities to acknowledge the detentions. A letter of protest concerning the "disappearance" of the five men was sent to Monseñor Miguel Obando y Bravo, Archbishop of Managua, with the request that he mediate with the government. This letter was subsequently printed in a newspaper in neighbouring Costa Rica.

In "The Truth about the Declarations of Dr Pedro Joaquín Chamorro C. before the Inter-American Press Association", the government formally acknowledged that Señor Triana and three of the other trade unionists had been detained, tried before a police judge, and sentenced to 180 days' imprisonment for the distribution of propaganda. Señor Triana, however, along with Señor Sánchez Salgado, Señor Dávila Meza, and Señor Solorzano Obregon, all declared in notarized statements, now in the possession of Amnesty International, that they were never taken before any court. Señor Triana has sworn that at no time were any specific charges formulated against him, nor was he ever "ordered before any civil or military authority for judgement".

"They never made any judgement, nor did they impose a sentence... they held me in detention, my imprisonment stems from reprisals for my activity as a trade union leader..."

"With no explanation whatsoever, I was put at 'liberty' on 16 February of this year."

If both this testimony and the official government statement are true, then it must be presumed that Señor Triana was tried in his absence, without the presence of legal defence, in secret proceedings.

CHAPTER V: DEATH AND DISAPPEARANCE IN THE COUNTRYSIDE

"The state of terror obliges many of our campesinos to flee in desperation from their homes and lands in the mountains of Zelaya, Matagalpa and Las Segovias.

The accusations and resulting arbitrary detentions for old grudges and personal jealousies continue to provoke unrest.

Investigations continue against suspects using humiliating and inhuman methods: from tortures and rape to executions without civil or military trial.

There is proof that many villages have been practically abandoned: houses and personal belongings are burnt and the people flee in desperation and helplessness.

These actions, far from bringing justice, inflame passions and disturb the public order. They put the authorities themselves at the edge of the institutional laws of the nation and of every healthy principle of public order in the same way that those other movements that claim to seek freedom but which favour the unleashing of passions and lead to personal revenge, ending only in 'new masters' managing public matters without benefit to the development of human freedom.

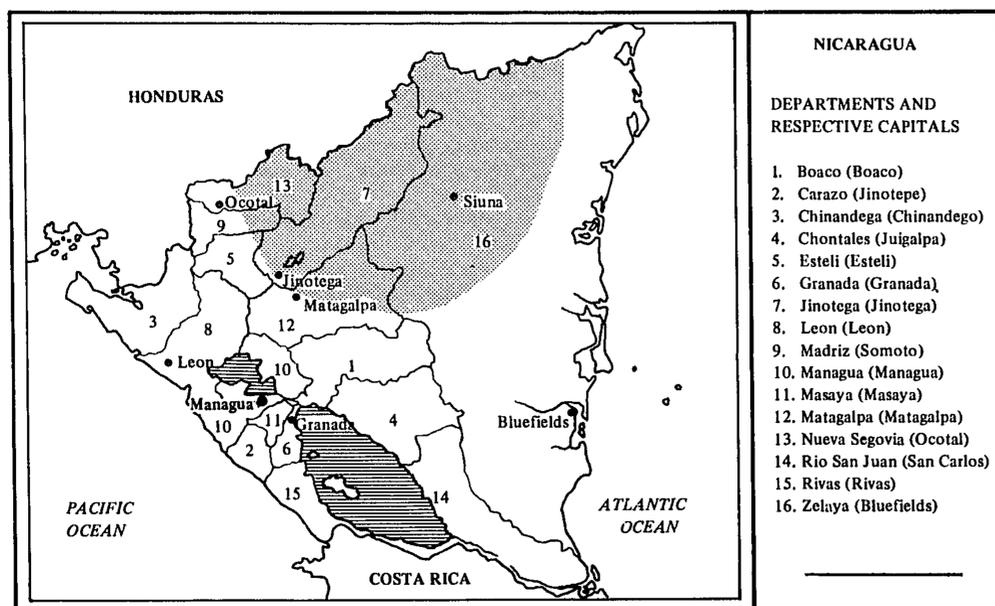
As a practical consequence of these facts, the ills and unrest of the nation increase:

- On the one hand, the accumulation of land and riches in the hands of the few increases;
- On the other hand, humble campesinos have their lands seized and are threatened by those taking advantage of the emergency situation;
- Many crimes are left without the proper punishment by the judicial authorities, damaging respect for basic rights;
- The number of detainees who have not been brought to trial grows, without their being able to make legal objections."

(From a pastoral letter of 8 January 1977, signed by the Archbishop and all six bishops of the Roman Catholic Church in Nicaragua.)

The wholesale killing of peasant farmers (campesinos) and their "disappearance" after detention is probably the most serious aspect of human rights violations in Nicaragua. The populations of entire peasant villages have been reported exterminated or taken away as prisoners by National Guard troops. The few who are released allege severe torture. The "disappeared" who are never acknowledged to be in custody and who never reappear must, in many cases, be presumed to have died in custody.

While the problem, in part, can be defined by the social class of the victims, it is also regionally defined. Most of the killings and disappearances occur in the "northeast".* Few campesinos from this region have been taken before the military court to testify as witnesses, or to be indicted by the court. Not a single campesino from Departamento Zelaya, where the majority of the deaths and disappearances occur, is known to have appeared before the military court. Given the reports of hundreds of detentions in Zelaya, and in other areas of the "northeast", the critical question to be answered there is "Where are the prisoners?".



Areas with a high incidence of campesino deaths and disappearances after detention.

* "Northeast", for the purposes of this report, includes the shaded portions on the map of the Nueva Segovia, Jinotega, Matagalpa, Zelaya and Madriz Departamentos. It is a largely roadless area.

The "northeast" is the area in which guerrilla groups of the FSLN were most active during 1975 and 1976. Actual direct participation by campesinos in FSLN operations, however, appears to have been minimal, although campesinos as a group are, no doubt, perceived to be a major source of supplies for the guerrillas. Although killings and detentions of campesinos in these areas nominally occur in the course of counter-insurgency operations of the National Guard, many sources say there is little direct relationship between guerrilla activity in a given area and the military operations of the National Guard. Indeed, the deaths reported by National Guard authorities of some of the principal leaders of the FSLN, in confrontations in the "northeast", point to the virtual destruction of the guerrilla force, which probably numbered no more than 100 men at its height.

A further, and important, distinguishing factor of the "northeast" is its isolation. The national road system is concentrated in the west, parallel to the Pacific coast. There are no all-weather roads to the east of the mountains of central Matagalpa, Nueva Segovia and Jinotega into Zelaya. The few campesinos from the "northeast" who have been acknowledged to be detained by the authorities have been captured in the areas linked to the west by the road system.

Precise information on some aspects of human rights problems in the "northeast" is, because of its isolation, difficult to gather and difficult to verify. The Amnesty International mission delegates learned of a number of rural camps used for large-scale detentions of campesinos and for intensive interrogation. However, little concrete information is available on the camps, as to reach them is difficult for simple geographical reasons, and it is reported that access is strictly restricted by the National Guard. It was not possible for the Amnesty International delegates to examine at first hand the existence or nature of these camps, or to investigate any of the specific atrocities reportedly carried out there. Unfortunately, no time was available for travel within the interior of Nicaragua. Nor did the delegates enjoy the cooperation of authorities necessary for travel to remote areas of the country.

One church source, who must remain nameless, said that most of these camps were little more than corrals with the addition of armed guards. Others were more elaborate. Perhaps the most permanent in appearance is at Río Blanco, attached to the National Guard post in eastern Matagalpa. This he believed to be the largest of the rural camps, and the only one reported to have foreign advisers. According to the submission of another Roman Catholic priest, Father Fernando Cardenal, SJ, made to the United States Congressional Subcommittee on International Organizations of the House of Representatives Committee on Foreign Relations, during hearings on human rights in Nicaragua, advisers at the Río Blanco camp included a former United States AID police training adviser, Gunther Wagner, and a former South Vietnamese army officer, Lin Ge Vahn, working under contract to the National Guard.* The Amnesty International delegates were told

* In the same hearings, in June 1976, held in the United States Congress, on Human Rights in Guatemala, Nicaragua and El Salvador, a spokesman for the United States Department of State stated that Gunther Wagner was, until 1974, the head of the Public Safety Advisory Program of AID, but that, since October 1974, he had been working in his private capacity as a consultant to the police component of the National Guard, and added that "the Vietnamese" adviser referred to

by church sources that detentions at the Río Blanco camp were related to counter-insurgency programs and were designed to intimidate the campesinos who might, in the future, be impelled to collaborate with or conceal insurgents, to discover those campesinos who are already doing so and to locate the guerrillas. Campesinos of eastern Matagalpa, Jinotega and northern Zelaya were said to regard transfer to Río Blanco as a "virtual death sentence".

Another detention camp is reportedly located in the area of Waslala, near the border of Departamentos Matagalpa and Zelaya. This is said to be an extremely primitive camp, in which prisoners are detained in holes in the ground, exposed to the elements. Other northeastern rural prison camps are reported to be in the areas of Siquia, Amatillo, Ococona, Macuelizo and Dudú. In the northwest, in Departamento Chinandega, there is allegedly a camp at Kilala.

In contrast to the limited data available on rural detention camps, a great deal of information exists describing the virtual military occupation of the "northeast", with frequent, apparently arbitrary, killings, torture, massive detentions and disappearances, as well as the confiscation of goods, occupation of property, and the burning of crops, homes and farm buildings.*

(footnote continued from previous page)

Father Cardenal as "Lin Ge Vahn" does not exist. (See pages 20, 229-230, Human Rights in Nicaragua, Guatemala and El Salvador: Implications for U.S. Policy, U.S. Government Printing Office, 1976.)

In October 1976, the Minister of Defence of Nicaragua, Colonel Heberto Sánchez, reported that Gunther Wagner was in fact an adviser to the Managua police, and a Korean, Lin Ge Vahn, cited by Father Cardenal "is a professor of judo at the Nicaraguan Military Academy and not a torturer". (See El Diario de Hoy, San Salvador, El Salvador, 21 October 1976.)

* One of the powers granted to the President of the Republic under martial law, or, through him, to civil or military authorities, is that of ordering "the detention of any person, to investigate acts perturbing public order...(and the holding of)...the detainees incommunicado, for a prudential period" (Article 2). The large-scale detentions reported in the countryside could perhaps find some justification under this article, but such power in no sense obviates the constitutional restrictions on maltreatment and the right to life (Article 197) which are of fundamental issue in campesino deaths and disappearances in the "northeast". It does, however, eliminate any judicial review of executive actions of this nature when coupled with the suspension of the right of habeas corpus. Similarly, although the Martial Law of 1974 provides for the seizure of private property for military purposes, this is only in specific circumstances. Article 2 provides for the temporary occupation of the property of any person "for the establishment of a military post, lodging of troops or for any other military purpose thought necessary". The widespread destruction reported would not be justified by this provision of martial law.

A number of cases in which private homes were used as military posts or for lodging troops were reported to the Amnesty International delegates. The seizure of property for the private use of National Guard officers was alleged to be widespread throughout the "northeast" without compensation, at levels determined solely by the military personnel involved. Such acts are, needless to say, entirely illegal.

The best sources of information on the "northeast" have been church sources, with the most valuable data coming from persons who, for many years, have lived in the region. It is significant that much of the information which has been provided by local clergy has been upheld by the Roman Catholic hierarchy.

In May 1976, three Roman Catholic bishops of the "northeast" met President Somoza Debayle to request action to clarify the situation of over 100 campesinos who had "disappeared" from their respective dioceses in the course of counter-insurgency operations by the National Guard. In a pastoral letter dated 20 May 1976, obtained by the Amnesty International mission delegates after leaving Nicaragua, the three bishops reported that, during their meeting with the President:

"Each bishop expressed his concern caused by the disappearance of more than one hundred persons from the zone of Matagalpa, Ocotal and Siuna...The President gave a clear explanation about encounters between guerrilla fighters and the army patrols. When we touched upon certain points concerning the whereabouts of several men and women and children, it was noted that he was reserved, due undoubtedly to the delicate circumstances of the cases. However, the President promised more information concerning the list of persons that we presented to him."*

A similar document was prepared and signed by 31 Capuchin missionaries in Nicaragua, all United States citizens. In a letter of 13 June 1976, they too appealed to President Somoza on behalf of the campesinos, attaching to the letter the documentation on torture, detentions and disappearances. The Capuchin fathers noted that they have only included reports given to them by, or about, individuals whom they have known personally. The deaths and disappearances referred to in the reports occurred in Nueva Segovia, Matagalpa, Jinotega, Madriz and Zelaya Departamentos, in mountainous areas dotted with small family farms. The Capuchins attribute the deaths and disappearances to counter-insurgency operations. They report that, as late as May 1976, helicopters fired upon hamlets in the areas of Sofana, Boca de Piedra, Parasca, Yucumalí and Dipina, in Departamento Zelaya, and that many homes there were burnt by National Guard troops.

The Capuchin fathers cited four cases of "disappearances" at the hands of National Guard troops in Departamento Nueva Segovia, from the areas of Macuelizo and Cusmapa. More shocking is their account of incidents in Departamento Zelaya where, in the municipality of Siuna, between November 1975 and May 1976, some 92 persons were seized by the National Guard and have since "disappeared". They also reported the discovery of clandestine cemeteries. Two bodies were found in the area of Irlán in April 1976. One was that of a farmer who had disappeared, the other was of an eight-year-old boy who had been hanged and then decapitated. Other graves were found along the Hiyas river in Zelaya, also shoes and clothing of missing persons.

* See Appendix 5a for the bishops' list, updated to January 1977, and now numbering over 200 persons.

The Capuchins noted that:

"None of the missing persons have returned to their districts. No accusation has been reported publicly. None has been presented before the investigating tribunal, and their present condition is unknown."

A missionary who worked in the Siuna parish of Departamento Zelaya confirmed the reports of deaths and disappearances, noting that, from 23 to 25 February 1976, the following "disappeared" or were shot dead in the area of Sofana:

Fernando García and Pastor Hernández, president and vice-president of the congregation of the Chapel of Sofana, both shot dead before witnesses;
Vacilia Hernández de García, president of the church-sponsored housewives' club;
Agustín Hernández, son of the pastor, newly chosen community health leader;
Isabela Hernández, sister of the pastor;
Francisco López, brother-in-law of the pastor;
Pascual López;
Cirilio López;
Florencia López;
Luciana López;
Eleuterio Pérez;
Justo Mairena;
Sergio Rodríguez;
Margarita López;
Valoy Díaz;
Santos Díaz;
Florencio Centeno;
Estanislao Rodríguez;
Agapito Hernández;
Tomás Hernández;
Coronado Hernández;
Máximo Mansanares.

The document continues:

"...three large new graves on the farm of Pastor Hernández...These graves are near the Pastor's house. There are also four graves on Máximo García's land, some 150 varas (approximately 130 meters) from the chapel of the same township, Sofana. These graves are little less than two years old. They are from Holy Week of 1974, when the patrols of the Guard brought people from Matagalpa."

All in all, this source names 26 campesinos who allegedly "disappeared" or were shot dead by National Guard troops in Siuna, in February 1976.*

* See Appendix 5b for a list of campesinos, including 29 children, killed in January 1977 by National Guard troops in the village of Varilla, Matagalpa.

The human rights situation in the western and central areas of Departamentos Matagalpa and Nueva Segovia, which are linked by road to the major towns and cities of Nicaragua, was described to the Amnesty International delegates by a variety of informants whom they met personally in Managua. Among these were campesinos from Departamento Matagalpa who handed over lists of relatives, friends and neighbours who had "disappeared" since their detention by National Guard troops. Other information was provided by churchmen and representatives of student and trade union organizations.

As in Departamento Zelaya, the root of most human rights violations in Matagalpa seems to be the counter-insurgency operations of the security forces. The focus of this activity has been in the 268 square mile municipio of San Ramón, just to the east of Matagalpa.

In the area of Guapotal, a number of entire families have been reported victims of government violence. Among those said to have been detained en masse in late 1975, and who have not reappeared, are the Lira family, and the Sánchez and García families. A number of individuals with these names have been confirmed dead; the situation of the others is still unknown.

Similar events occurred in the area of Cuscuaguas. Between June 1975 and February 1976, 16 members from different households of the extended Aguilar family were reported to have been captured or killed outright by the National Guard in the course of counter-insurgency operations. Several houses of the Aguilar family are said to have been looted and burned. The family of Antonio Mairena was another apparently victimized by security forces in Cuscuaguas. In September 1975, the father and seven sons (Fanor, Julián, Concepción, Willy, José, Natalio and Ramón) were reported to have been detained on suspicion of collaborating with the guerrillas. They were taken to the Río Blanco detention camp, in the municipio of Matiguas, next to San Ramón municipio. To Amnesty International's knowledge, none has reappeared. More than 20 other campesinos from Cuscuaguas, including both men and women, are reported to have "disappeared" following detention.*

Among the other areas of Departamento Matagalpa in which campesinos have apparently been killed or "disappeared" are La Tronquera (17 cases) and Dipina (six cases).**

For some years, Matagalpa has had a reputation for violence and human rights violations. It is a departamento consisting largely of family farms, and, with Nueva Segovia and Jinotega, was the base of Augusto Sandino's guerrilla operations, from 1926 to 1933, against the United States occupation forces. Today, these departamentos are seen by the authorities to be centers of FSLN activities.

* See Appendix 5c

** See Appendix 5d

Throughout the duration of the Amnesty International mission, informants were careful to say that human rights problems in the Nicaraguan countryside were extensive before the declaration of Martial Law in 1974,* and will continue to be so after the restoration of constitutional guarantees. Nevertheless, the weight of the evidence suggests that, in the countryside, as well as in the cities, the introduction of martial law has led to a considerable deterioration in the human rights enjoyed by the citizenry. These words from the pastoral letter of the bishops of the Roman Catholic Church concerning human rights violations in the countryside are, therefore, most fitting:

"We sum up in three requests this appeal to the conscience of all Nicaraguans and to our government authorities. Concretely, we ask for:

1. Guarantee for life and work and the return of civil guarantees;
2. The institution of proper legal proceedings for common crimes and the so-called 'political' crimes;
3. Freedom to promote a juster and more equal social order.

These things cannot be achieved without freedom of expression and religious freedom."

* In August 1970, the Inter-American Commission on Human Rights of the Organization of American States received a submission which protested about the murder of five campesinos near Wasblan, Jinotega, by members of the National Guard. In May 1972, the Commission resolved that the allegations were proven. While in Nicaragua, the Amnesty International delegates had a brief meeting with the widow of Bernardino Díaz Ochoa, president of the peasant federation of the General Workers' Confederation (Central General de Trabajadores, CGT). It has been widely reported that he was murdered in August 1971, while in the custody of the National Guard. Señora Díaz gave the following account:

"On 30 August 1971, my husband was dragged from our home in Latran, Matagalpa, in my presence. They beat him and cut his ears and his tongue. I myself was beaten with clubs until I bled at the ears. The following day, I saw my husband in the local jail; he had a blood-soaked handkerchief around his head, but was conscious. The next day, I was not permitted to see him. I was told that he was dead and that his body was too horrible to look at. He was buried by the National Guard."

CHAPTER VI: TORTURE

The practice of torture is prohibited by the Universal Declaration of Human Rights (Article 5) and by the American Convention on Human Rights (Article 5). It is also specifically prohibited by the Nicaraguan Constitution. Article 52 provides that "Any act of cruelty or torture against persons detained, tried or convicted is prohibited. The violation of this guarantee constitutes a crime." Article 197 (Section 3) provides that "In no case may the decree of suspension or restriction affect...the prohibition against acts of cruelty or torture and infamous punishments."

Few provisions of the Constitution are more tragically breached. Since the decree of suspension of December 1974, Amnesty International has received many grave allegations of torture in Nicaragua. Considerable information of this same import was obtained by the mission delegates from meetings with the relatives and lawyers of political prisoners, representatives of the Roman Catholic clergy, trade unionists and members of legal opposition parties. Of particular value were several documents from ecclesiastical authorities with details of the maltreatment of campesinos by security forces in Departamentos Zelaya, Matagalpa, Nueva Segovia, Esteli and Leon, and a document prepared by prisoners under maximum security in the Model Prison of Tipitapa.*

The local press also served as a source of information on the use of torture. According to military regulations, trials in the military courts are open to the public and journalists are permitted to observe and report the proceedings, including the testimonies of the defendants. Although, under martial law, severe censorship is in force, the mission delegates found several reports published in the press which repeated testimony given before a military court about the use of torture. In each of these cases, it should be noted, the allegations of torture were followed by the request of the military prosecutor that the court add perjury to the charges held against the accused. Still more eloquent was certain material censored from press reports prior to publication. This material was intended for La Prensa, an evening newspaper. The regular procedure is that, on the afternoon prior to the day of its publication, all but the first and last pages of the paper must be submitted for review by the board of censorship, currently composed of three officers of the National Guard. The first and last pages are submitted before noon on the day of publication. The usual practice is to submit photocopies of the galley proofs, on which the censors mark the sections to be deleted. Fortunately, and without the authorization of the editorial staff or the directors, one of the members of the mission was able to examine and obtain photographs of some of the censored material. This included allegations of torture made before the military court under oath by prisoners.

* See Appendix 6

Evidence of torture of prisoners under military courts

The Amnesty International delegates examined some 50 cases of prisoners taken before the Permanent Military Court of Investigation. Most reported severe and prolonged torture. Talks with five of the 11 lawyers defending these prisoners revealed that 7 of every 10 indicted prisoners told the court, under oath, that they had been tortured or maltreated by their interrogators. They also reported that requests to the military court from defence lawyers asking the court to carry out investigations of these reports, or for assistance in their own investigations, were systematically over-ruled.

Tortures reportedly suffered by prisoners who are now held in the Model Prison of Tipitapa included:

- i) Beatings with fists, sticks, rifle butts, the edge of rulers, rubber hoses and kicks: inflicted to varying degrees on most prisoners, affecting all parts of the body;
- ii) Striking of the ears with cupped hands, referred to by guards as "the telephone" (el telefono) or "ringing the bell" (golpes de campana): suffered by most prisoners, some of whom have serious ear trouble as a result. Indicted prisoners Vicente Godoy Bustamante and Alejandro López Guillén are said to have suffered burst ear drums;
- iii) Electric shocks: inflicted on most indicted prisoners, affecting the most sensitive parts of the body, especially the genitals, tongue and chest. The shocks are apparently applied with electric cattle prods, or with wires connected to ordinary household current;
- iv) Near drowning: used against prisoners Orlando Castillo Estrada and Liana Benavides Grütter, involving repeated submergence of the head in filthy water;
- v) Hanging by the arms or feet; simulated execution by hanging: reported hung by arms: Orlando Castillo Estrada, Rodolfo Amador Gallegos; reported hung by feet: Francisco Maldonado Lovo; simulated execution by hanging: Pedro Joaquín Rivera Torres;
- vi) Burning by cigarettes: Francisco Maldonado Lovo, Javier Carrion.
- vii) Threatened castration; reported by several prisoners: tying a cord round the testicles while prisoners lay on their backs, then pulling, thereby forcing them to arch their backs;
- viii) Hooding: the placing of a hood of heavy black cloth over the head, causing disorientation and difficulty in breathing. Most political prisoners are reported to be hooded during initial interrogations. Prisoners charged with the greatest degree of responsibility for actions of the FSLN were apparently kept hooded and incommunicado for long periods: Luis Armando Guzmán Luna, 95 days; Juan José Ubeda, 2 months and 4 days; Herberto Incer, 4 months. Some prisoners were reportedly taken to the military court for initial testimony while still disorientated from the effects of the hooding;
- ix) Cold room: prisoners are stripped naked and placed in a bare room made extremely cold by air conditioners; when interrogation is not in progress, they are kept handcuffed to a chair; treatment can be prolonged, and other techniques simultaneously applied, such as deprivation of food and water. Prisoners reported confined in the cold room: Luis Armando Guzmán Luna, 9 days; Herberto Incer, 5 days; Orlando Castillo Estrada, 5 days.

As the mission delegates were not permitted to meet the prisoners said to have been tortured, nor to discuss these allegations with officials of the National Guard, or of the Office of National Security, it was impossible to evaluate the accusations. The delegates felt that in a number of cases medical examinations would prove especially valuable in authenticating or disproving the charges, even though the alleged acts of torture may have occurred a year or more ago. Prisoners reported to have suffered semi-permanent injuries which would merit such an examination, preferably by impartial experienced physicians under the aegis of an international organization, include:

Absalon Bervis Mercado: spinal injury from beatings;
Alejandro López Guillén: burst eardrums, fractured ribs from beatings;
Francisco Maldonado: cigarette burns;
Guillermo Cáceres Bansk: leg and foot injuries, fractured ribs from beatings;
Damaris Calderón Román: burns on feet;
René Nuñez Tellez: fractured ribs from beatings.

In addition, many other prisoners report, in written statements and through their lawyers, impaired hearing as a result of blows to the ears; prolonged painful conditions of the genitals as result of kicks and electric shocks; and kidney ailments as a result of beatings. Prolonged hooding has in some cases led to eye infections and conjunctivitis.

The case of Pedro Joaquín Rivera Torres which follows is an example of a prisoner reportedly tortured under the military courts,* and is based on information obtained by the mission delegates from out of the Model Prison of Tipitapa, where he is currently held, as well as reports from the censored and uncensored press.

Pedro Joaquín Rivera Torres is a 23-year-old agricultural worker from Departamento Nueva Segovia. Based on his own testimony, he was indicted by the Permanent Military Court of Investigation on charges of joint responsibility for violent actions of the FSLN.

Rivera Torres was detained on 10 January 1975 in the departmental headquarters of the National Guard in Ocotal, the capital of Departamento Nueva Segovia. He claims to have been maltreated, both in Ocotal and after transfer to the Office of National Security in Managua, by beatings with rifle butts, sticks, and bare fists, including blows to the head, simulated execution by hanging, and electric shocks.

A report set for publication in La Prensa on 19 March 1976, regarding the initial testimony of Rivera Torres as an indicted prisoner, includes a brief reference to his testimony in which he claims to have been tortured in the Command Post of Ocotal, followed by the brief interrogation by the prosecutor in which the prisoner is reminded that perjury before the court is a crime. Prior to publication, the specific allegations made by the prisoner in sworn

* Further case studies are in Appendix 7.

On 12 March 1975, Señor Castro was again detained in Matagalpa. At the time of detention he was carrying bonds (abonos) for the CGT-I. He was subsequently charged with carrying subversive material, and sentenced to 6 months (180 days) in prison by a police judge. After 30 days in jail, he was released on payment of a fine of 500 cordobas.

"On 12 November 1975 I was again detained in a violent manner in the city of Matagalpa; for three days afterwards I was beaten with sticks by agents of the Office of Security, in such a way that I remained prostrate for 30 days. After 32 days' imprisonment I was released."

Evidence of torture in the countryside

Reports of torture in the Nicaraguan countryside are inextricably linked to reports of mutilation, summary execution and "disappearance". Information on such torture came to the Amnesty International mission from numerous sources, mostly churchmen.

One of the most detailed of the documents provided to the delegates was prepared by 31 Capuchin Roman Catholic missionaries. It documents a broad range of abuses by security forces against the population of the isolated areas of the northeast, and reports many cases of torture, mutilation and disappearance. The methods of torture cited in this report are:

- i) Beatings with fists, rifle butts, kicks;
- ii) Blindfolding during interrogation;
- iii) Hanging by the feet and neck;
- iv) Prisoners forced to run barefoot through thorn-covered vegetation;
- v) Mutilation, faces cut by knives;
- vi) Removal of teeth;
- vii) Electric shocks;
- viii) Rape and threats of rape;
- ix) Threats of death;
- x) Deprivation of food and water.

A church document dated January 1976 focuses on brutalities suffered by campesinos in Departamento Nueva Segovia. Several excerpts follow:

"In all of the region of Las Segovias, including the municipalities of Jalapa, Jicaro, Ocotal and Somoto, there is great tension. There are disappearances, prisoners and torture cases in the whole region. There have been night searches in all of the houses, especially in Ocotal. At about 1 a.m. security agents present themselves at the homes of the 'suspicious'. They gather together all of the family in one room - women, children and old people included - and make them sit on the floor, with guards pointing their rifles at them to intimidate them. During the house searches no member of the family is present. The agents take anything they want, including money and valuable objects..."

"The National Guard is militarily occupying all of the rural area of Nueva Segovia."

"Three campesinos 'disappeared' on 26 July 1975 from the comarca Macuelizo, and no one has heard anything about them since. A week later, 50 men in the same area were captured, maltreated and held prisoner for several weeks."

"They cut off the hands and the tongue of the campesino leader, Lucio, and slashed his throat."

"Almost all of the young women of the valleys of Macuelizo and Ococona were raped and maltreated. In Ocotal itself, many people have been beaten, including the sacristan of the Church of San José..."

CONCLUSIONS AND RECOMMENDATIONS

1. The violations of human rights reported - political imprisonment, torture, executions - are, to a great extent, directly or indirectly related to the decree of suspension of guarantees of December 1974, maintained ever since throughout Nicaragua. The aspects of the decree bearing most directly on these human rights problems are the extension of the jurisdiction of military courts to civilians and the granting of the right to censor the news media to the executive, consequently preventing public reporting or criticism of abuses.

There is no justification under Nicaraguan constitutional law for the continuation of the suspension of constitutional guarantees, as the armed attack of December 1974 was an isolated event not followed by other grave disturbances of public order in the capital city area. The only reason put forward by the government for its maintenance is that the military trial proceedings instituted under martial law have not concluded. This reason is not valid under Nicaraguan constitutional law as Article 14 of the Martial Law of 1974 provides specifically for the transfer of these military proceedings to the civil courts when the suspension of guarantees ceases.

2. The military courts, as regards their structure as well as their procedure, do not offer guarantees of due process and fair trial. Review by the Supreme Court is strictly limited in scope and cannot, therefore, be regarded as an effective remedy.
3. Many low-level trade union and political party activists were found to suffer repeated short-term imprisonment, of up to 180 days, on the basis of summary - and, in some cases, clearly arbitrary - rulings by police judges. Those prisoners who were in fact formally charged and sentenced were charged with offences of conscience. In many of the cases examined, prisoners were never physically in the presence of the police judge passing sentence. Prisoners were usually found to have been held incommunicado from the moment of their detention to the moment of their release, with no opportunity to communicate with either their families or lawyers. A further concern is the consistency of reports of maltreatment.

The information collected, as well as the study of the legal texts available, lead to the conclusion that the police court system does not offer any guarantee of due process and fair trial because of the flaws in the system itself and the lack of procedural laws. The police court system is clearly part of the executive branch of government, providing for administrative rather than judicial sanctions which, shockingly, can be as heavy as 180 days' imprisonment. Review by the Supreme Court seems completely ineffective.

4. The plight of the campesinos, which is only indirectly related to the decree of suspension, constitutes one of the gravest problems of human rights in Nicaragua. Those detained in remote rural areas in the course of counter-insurgency operations by the National Guard are almost never brought to testify before a court of law (military or civil), nor are they indicted and brought to trial. Of the more than 200 campesinos reported to have been detained between November 1975 and January 1977 in Departamento Zelaya alone, none have, to Amnesty International's knowledge, been indicted and most remain unaccounted for. Many campesinos are reported to have been shot in cold blood by military forces, and those simply detained and later released have reported severe torture.
5. There is considerable evidence supporting allegations of the torture of prisoners in the custody of the National Guard, prior to indictment by the military courts. The refusal of authorities to permit interviews with, or physical examinations of, such prisoners by the Amnesty International delegates does little to dispel credence in this evidence. In the absence of credible challenges to the validity of detailed and consistent testimony, the delegates felt that it is highly probable that the majority of the prisoners now consigned to the custody of the military tribunals had in fact been tortured during their initial periods of detention in National Guard custody. Furthermore, the delegates saw no evidence that responsible authorities have taken measures either to investigate allegations or halt the practice of torture, or to sanction, according to the law, members of the National Guard who might be found to order or to practice torture.

Consequently, Amnesty International respectfully submits the following recommendations to the Government of Nicaragua:

- A. The decree of suspension of constitutional guarantees should be repealed, as there is clearly no basis for its prolongation under Nicaraguan constitutional law. Accordingly, all criminal matters now in the military courts should be transferred to civilian courts as provided in Article 14, Martial Law of 1974, and all press censorship suspended.
- B. The structure and procedures of the military and police courts should be revised in order to make them compatible with generally accepted principles of due process and fair trial. Alternatively, their assignments should be permanently transferred to civilian courts within the judicial branch of government. The solution most in accordance with modern principles regarding the protection of human rights in Nicaragua would be the suppression of the so-called police courts and the restriction of the military courts to military matters during times of war.
- C. With regard to political imprisonment and the plight of the campesinos, it is recommended:
 1. That prisoners who have not been indicted by the military or civil courts be immediately released;
 2. That local military commanders in the countryside be requested to account for reported detentions of campesinos within their regional jurisdiction;

3. That rural detention camps maintained by National Guard regional headquarters be opened to inspection, also the National Guard installations at Río Blanco, Waslala, Siquia, Amatillo, Ococona, Macuelizo, Dudú and Kilala;
 4. That exhaustive investigations be made from the highest level into the reports of summary executions, torture and arbitrary imprisonment, as well as into such matters as the arbitrary confiscation, occupation and destruction of private property;
 5. That local military commanders be prosecuted under military or civil law for abuses committed by forces under their immediate commands, and that the direct perpetrators of these acts be prosecuted.
- D. With regard to the problem of torture, it is recommended:
1. That the Government of Nicaragua permit a delegation of responsible international observers to visit prisoners alleging severe torture, so that, through interviews and physical examinations, the veracity and nature of the problem can be established;
 2. That on the basis of these findings responsibilities for specific acts of torture or maltreatment be established as warranted, and criminal proceedings be instituted against the perpetrators and damages awarded the victims.

A p p e n d i x 1

MEETING OF AMNESTY INTERNATIONAL MISSION DELEGATES WITH
MINISTER OF THE INTERIOR AND JUSTICE,
ING. JOSE ANTONIO MORA,
11 MAY 1976

On 11 May, the delegates were received by Ing. Mora with great courtesy, and given ample opportunity to describe the basic interests of Amnesty International in Nicaragua. These included frequent allegations of severe and routine application of torture; large-scale and arbitrary imprisonment under martial law, especially in the countryside; the lack of recourse against the abuse of authority by security forces; and the problems arising from the suspension of constitutional guarantees.

Torture was a principal topic of the meeting. The delegates told Ing. Mora about the numerous detailed allegations of torture in Nicaragua received by Amnesty International, and sought to find out if the Nicaraguan Government had investigated such allegations and introduced measures to punish any substantiated abuses of authority by security force members. The delegates also sought to discuss specific allegations of severe torture, including cases of prisoners who had sworn before a military court that they were tortured during interrogation.

Ing. Mora said that, as Minister of the Interior and Justice, he was not competent to discuss specific cases of prisoners under military authority. Although he said that all allegations of torture were fully investigated, he gave no specific examples. He told the mission that there had never been a confirmed case of torture in Nicaragua, and that no member of the security forces had ever been punished for such an abuse of authority.

The delegates requested Ing. Mora's authorization to visit the principal detention center for political prisoners, the Model Prison of Tipitapa, in order to talk to five named prisoners. As the prisoners in question were held under martial law and consequently were under the jurisdiction of the military, Ing. Mora said permission would have to be granted by the Minister of Defence. He promised to try to arrange such a visit. He also told the delegates that, in order for the mission to attend a session of the Permanent Military Court of Investigation and to view the trial dossier, they would also have to consult the Minister of Defence.

Nothing ever came of the offer of Ing. Mora to use his good offices in arranging meetings with other government officials or a prison visit.

Appendix 2

OBSERVATION OF A TRIAL IN A MILITARY COURT, 13 MAY 1976

The Amnesty International mission delegates were able to attend the morning session of the Court of Investigation on 13 May, in the courtroom (sala de justicia) of the General Headquarters of the National Guard in Managua. The courtroom is a small frame building set apart from the barracks and offices in the National Guard camp on the slopes of the extinct volcanic cone Loma de Tiscapa.

Although Minister of the Interior and Justice Ing. Mora had advised the delegates that attendance at a session of the Permanent Military Court of Investigation necessitated permission from the Minister of Defence, who was unavailable at that time to meet the delegates, they were assured by other persons that the hearings were held in open, public sessions.

On arriving at the court unannounced, shortly before it opened at 8 a.m., certain lawyers present introduced them as Amnesty International mission delegates to Military Prosecutor Dr Lt Isidoro López Prado.

The delegates learned from the lawyers that, following a recess of some days, the court had issued a detailed schedule for the presentation of defence arguments in what was announced as the opening of the final stage of the investigatory proceedings in the joint hearings of the accused. This schedule, setting forth the times when lawyers and their defendants would be summoned to appear in court, had been given to the lawyers and the press. It was of interest to the delegates that there were to be hearings during the mission's remaining days in Managua and throughout the following week. However, following attendance by the Amnesty International delegates on 13 May, further hearings were cancelled "indefinitely" without explanation. Lawyers later informed the delegates that this was done in order to prevent further observation by the mission, and that shortly after the mission's departure from Nicaragua the hearings resumed.

A basic difficulty in their observation of the hearings on 13 May was that all observers were seated at some distance from the court proper - except for members of the press, who were seated on a special bench at one side in the front of the courtroom. Consequently, it was very difficult to hear either remarks from members of the court or statements by individuals before the court.

The defendant concerned, while the mission was present in court, was Javier Alonso Carrion, a detainee charged with direct participation in the 27 December 1974 attack which led directly to the imposition of the suspension of guarantees. Señor Carrion, a 23-year-old former student, was identified in the court as one of the guerrillas who had joined in the attack and then left for Cuba on a plane provided by the Nicaraguan Government. Captured on 8 March 1976, Señor Carrion - so the mission learned - had alleged that during interrogation he was severely beaten, burned with cigarettes, struck on the ears with cupped hands, given electric shocks with a cattle prod, burned on his feet with acid, and forced to do violent physical exercises.

Señor Carrion gave initial evidence shortly after he was detained. During that appearance before the court he was not allowed to have the services of a lawyer, but was brought straight from incommunicado detention to testify before the court. His evidence, so the delegates were told, was essentially a reiteration of statements he had made while in the custody of the Office of National Security. During this first court appearance, he reportedly admitted having taken part in the 27 December 1974 attack, and having clandestinely returned from Cuba a few weeks before his detention. Señor Carrion was indicted by the court on 21 April 1976 and permitted to designate a defence lawyer on 22 April.

Most of the session attended by the delegates was spent questioning two witnesses who had been at the party which was interrupted by the guerrilla attack in December 1974. Although the witnesses said none of the assailants could be recognized because they were wearing nylon stocking masks, the Prosecutor asked one witness how he could claim that he did not see Señor Carrion among them: "If you didn't recognize anyone, how can you say you did not see Javier?" The Prosecutor then produced a nylon stocking from his desk and, walking toward the defendant, said that he would put the mask on him and then ask whether the witnesses could recognize him. The defence protested, and the court was cleared while a decision was taken on the objection. After a very short recess, the session was resumed, whereon the objection was sustained.

At another point, the Prosecutor asked one of the witnesses whether he felt hurt by what Javier Carrion had done. The witness replied that he could not answer, as he was not sure that Señor Carrion had done anything offensive. A member of the court then interjected that: "He himself said that he participated in the attack." The witness then responded that, if the accused said that, then he did feel hurt.

At the conclusion of the morning session, a defence lawyer accompanying the delegates asked the court if the delegates might see the trial dossier, as is permitted defence lawyers. The request was not granted.

Appendix 3

INDICTED AND UNINDICTED POLITICAL PRISONERS IN NICARAGUA
REPORTED TO AMNESTY INTERNATIONAL AS OF MAY 1977

List of indicted prisoners

Donato Ramón AGURCIA Espinoza	Amparo JARA Guerrero
Jaime AGURCIA Moncada	Alejandro LOPEZ Guillén
Isidro ALFARO Cáceres	Amilcar LORENTE Ruíz
Teófilo ALFARO Cáceres	Roberto A MacEWANS
Luis Emilio ALFARO Díaz	Francisco José MALDONADO Lovo
Rodolfo AMADOR Gallegos	Rina María MARCENARIO
Plutarco ANDURAY Palma	Ruth MARCENARO de Campos
Plutarco ANDURAY Vanegas	Noel Nicolás MARIN Olivás
María Martha BELTRAN Baca	Apolonio MARTINEZ Hernández
Liana BENAVIDES Grütter	Lucio MARTINEZ López
Absalon BERVIS Mercado	Maximiliano MARTINEZ Torres
Noel BLANDON Chavarría	Felix Pedro MENESES Lira
Juan Alberto BLANDON López	Luis Felipe MONCADA Olivera
Tomás BORGE Martínez	Ivan MONTENEGRO Baez
Guillermo CACERES Bansd	Ernesto de Jesus MONTIEL Sirias.
Jorge Ulises CALDERON Gutiérrez	Ernesto MORAZAN Herrera
Luis Felipe CARRILLO Valle	René NUÑEZ Tellez
Orlando CASTILLO Estrada	Jesus OLIVAS Mairena
Roberto CHAMORRO Chamorro	Rosa Argentina ORTIZ Corrales
Lucas Mariano CORTEZ	Javier PICHADO Ramirez
Jacobo Marcos FRECH	Gilberto RIVERA Amador
Tobías GADEA Medina	Rosario RIVERA Lanuza
José Vicente GODOY Bustamante	Pedro Joaquín RIVERA Torres
Julio GOMEZ Quintero	Otto ROEDER Sediles
Noel Nicolás GUILLEN Olivás	Alejandro Alonso SALMERON
Francisco GUZMAN Pasos	Enrique SCHMIDT Cuadra
Luis Armando GUZMAN	Norman TARGA Saso
Hilda HERRERA Herrera	Juan de Dios TORRES Juarez
Carlos Antonio HURTADO Cabrera	Juan José UBEDA Herrera
Heberto INCER Moraga	Pablo VELASQUEZ Hernández
Marcos JAEN Serrano	

List of unindicted prisoners

Casimiro AGUILAR	Miguel Angel GARCIA
Dolores AGUILAR	Samuel HERNANDEZ
Nemesio AGUILAR	Tomás HERNANDEZ
Santos ALVARADO Sánchez	Esteban JIMENEZ Dávila
Sebastián ALVARADO Sánchez	Nubia MADRIAGA Moraga
Rodrigo BALLADARES	Eufemia MAIRENA
Salvador BALDODANO	Juan José MALDONADO
José BENAVIDES	Rupert MENDOZA
Nida CACERES	Argentina MENESES
Pina CAMPOS	Juan OROZCO Canales
Rafaela CAMPOS	Gustavo ORTIZ
Raúl CAMPOS Marcenares	Gilberto PAEZ
Pastor CERNA	Matías PEREZ Picado
Walter CERNA	Rafael PEREZ Rodríguez
José de la CRUZ	Rosalio PEREZ
Irving DAVILA	Mario Hilda RAMIREZ
Felix DIAZ	Serafin RAMIREZ
Carlos Heriberto ESPINOZA	Leopoldo RIVAS
Jacobo ESPINOZA	Juan ROCHA
Manuel ESPINOZA	Braulia SANCHEZ
Bayardo GARCIA	Domingo SANDOVAL
Juan Alberto GARCIA	Rodolfo VASQUEZ
Macaria GARCIA	
Macario de Jesus GARCIA	

A p p e n d i x 4

CASE STUDIES

These studies are based primarily on statements made before a public notary by the ex-prisoners themselves and were received from members of their trade unions.

Domingo Sánchez Salgado is a member of the executive board of the trade union organization, Independent General Workers' Confederation (Central General de Trabajadores - Independiente, CGT-I), and is Secretary of "Peasant Action" (Acción Campesina) within the CGT-I.

Señor Sánchez was detained immediately on his return to Managua from a meeting in Tegucigalpa, Honduras, on 13 August 1975. He was taken directly to the jail of the Eighth Police Precinct in Managua, where he was held in total isolation for almost six months. One guard told him that he was being held on the order of the Office of National Security and that he was considered "taboo" and could not be spoken to. He said in a sworn notarized statement of 21 April 1976 that he was held throughout the period in a cell "about five meters square" and that his sole food was rice and beans with an occasional piece of bread or tortilla.

"A cruel system of jailing in itself, they kept the lightbulb in my cell lit day and night which led me at times to lose my notion of time, since the light of the sun did not enter the cell, the little cubicle I was in, since it was totally closed, having a door that was my communication with the outside world..."

"Never was there any legal form of trial...With no explanation of any kind, without having asked me any questions at all during my captivity, nor requiring anything, I was put at 'liberty' on the day, 24 January 1976..."

Dr Pedro Joaquín Chamorro told the Inter-American Press Association in October 1975 that Señor Sánchez was detained at the Managua city airport after an international flight and subsequently disappeared. The official statement on the case responding to Dr Chamorro's report included Señor Sánchez as one of several men:

"...detained for investigation or interviewing, as they were returning from socialist countries, some of them with false passports...Others were deported to Panama as in the particular case of Uriel Galeano. After the interviews, they were released, with the exception of Domingo Sánchez Salgado, who was sentenced to 180 days' detention by the police judge, as he is a recognized communist agitator."

The same document concludes:

"In Nicaragua, it is prohibited by law to travel to socialist countries without the authorization of the migration authorities. Those who violate this disposition are submitted to the investigations that each case merits..."

If a trial had in fact taken place, it must have been held in secrecy and in total violation of both international and Nicaraguan norms regarding the right to a defence and right of prisoners to be present at their own trials.

José Antonio Dávila is a member of the Managua construction workers' union (Sindicato de Carpinteros, Albaniles, Armadores y Similares de Managua, SCAAS) and was the operator of a cement-mixing machine on a building site where a dispute arose between the trade union and the construction company, Compañía Néstor y Armando Pereira.

"(On) 19 August 1975, in the course of a meeting in the Managua Civic Center building...where a protest was being organized against maltreatment...and theft from workers' paychecks by the employers...I was taken prisoner by members of the National Guard and taken to the Managua Central Police Station, where I was held incommunicado for a week and then detained until 12 February 1976. That is, I was released almost six months later, and at no time was I taken before a legal judge, nor was any accusation or judgement brought against me...nor was any crime proven, nor was I sentenced..."

The prisoner claimed he was never taken before a court; the authorities subsequently reported that he was tried and sentenced by a police judge for distributing subversive propaganda.

Alejandro Solorzano Obregón, a functionary of SCAAS, was detained with José Antonio Davila. Señor Solorzano adds to Señor Dávila's account the fact that the meeting which they were attending was engaged in preparing a formal letter to the Minister of Labor, requesting mediation in the dispute with the construction company. In a sworn statement of 21 April 1976, he claims that:

"...the employer, Engineer Néstor Pereira, asked for a radio patrol car, which arrived immediately, and they told us to leave the site, detaining siteworker José Antonio Dávila...and myself...I was taken to the Central Police Station...there, they took general information about me without my getting out of the military vehicle, and I was immediately taken to the Tenth Police Station in Managua...The day I arrived there, I was interrogated for three hours, more or less, by agents of the Office of Security..."

"During the first 25 days of my captivity, I remained handcuffed, and they did not permit me to wash myself nor clean the room in which I was held prisoner...And for the whole time of my imprisonment I was held incommunicado..."

"They held me prisoner until 17 March 1976. Seven months after I had been taken prisoner, without ever giving me any sort of trial."

Salvador Suarez Miranda, a shoe-maker, and Juan Sequiera Aguirre, a carpenter, were detained by the National Guard in Masatepe on 6 July 1975, and imprisoned in Masaya city jail.

In a notarized statement dated 9 May 1976, a relative of Señor Suarez states how:

"...they found themselves completely incommunicado, lacking water, and any facilities to take care of their physiological needs, and cots or accessories for sleeping, because of which they had to sleep in their own filth... throughout July and August..."

After nearly two months' detention, they were both brought before a police judge and summarily sentenced to 180 days for distributing leaflets. The mission delegates, however, saw a sworn statement affirming that no leaflets had been presented to the court as evidence:

"The matter of the leaflets requested is not confirmed, not having been known by this authority." (No se certifica lo de las papeletas solicitadas por no ser del conocimiento de esta autoridad.)

Señor Juan Sequeira Aguirre gives this account in a sworn and notarized statement, dated 29 April 1976:

"In the hours of the morning of 13 July 1975, I was in the company of Salvador Suarez Miranda, going to the baseball field... and we were intercepted by agents of the National Guard who, without any explanation, took us to jail...where we were put into a small and uncomfortable cell without being allowed to communicate with anyone and...without being able to inform my relatives of what happened...on the following Monday morning, we were taken to the Masaya city jail, where we were put in a cell known as 'the little one' (la chiquita) because it was extremely small, not permitting normal movements of any kind and in which, furthermore...both of us had to take care of our physiological necessities within the space, eat and sleep there, it being a place in which...not even the smallest ray of sun or breath of air entered, and one is completely incommunicado. There we remained and in those conditions for the space of two months... (until) I was at the point of collapse from a coronary affliction; I was sent to the Hospital of San Antonio in Masaya city, where I stayed for the space of one month..."

Señor Sequeira adds that he was removed from the hospital by the National Guard against the specific orders of the doctors treating him and taken, with Señor Suarez, to the Model Prison of Tipitapa.

"It was not until the police judge of the city read out a sentence to us...that we knew the motives for our imprisonment and that it was none other...than distributing subversive leaflets (although they) admitted not having found in our possession any leaflets of any kind."

Dr Pedro Joaquín Chamorro used Señor Suarez and Señor Sequeira as examples of prisoners "detained without any reason". Refuting this and five other charges cited by Dr Chamorro, the government, in a publication entitled The Truth about the Declarations of Dr Joaquín Chamorro, claims that each had been tried and sentenced by police judges to 180 days' imprisonment "in accordance with Executive Decree No 800 of 7 April 1965" for "distributing leaflets, communiques, manifestos, etcetera, of subversive character, pertaining to the FSLN, PSN, UDEL, etcetera..." Of the three political groupings cited, only the FSLN is a proscribed organization. The others are unregistered, but are not proscribed political parties.

The government publication neglected to note that the joint appeal of Señor Suarez and Señor Sequeira against unlawful detention was upheld by the Supreme Court of Justice, which ordered their release. The two men had already been released at the time of the ruling, having served their full 180-day sentences.

Following his release, on 20 February 1976, Señor Suarez reportedly travelled to Costa Rica for medical treatment. On 23 March 1976, he was detained upon re-entering Nicaragua. At the time of the Amnesty International mission, he was (according to a note smuggled to his relatives) held in the Central Police Station in Managua. The mission's inquiries about him were not answered by the authorities.

Appendix 5a

DETAILS OF DETENTIONS AND DISAPPEARANCES IN DEPARTAMENTO ZELAYA

MAY 1975 - JANUARY 1977

(From a translation of a document prepared by Roman Catholic Church sources)

1975 22 May 1975 (Parasca)

Santiago Ortiz González (husband of María Sánchez, some children)

29 June 1975 (Yaosca)

German Dormos Sánchez (50, husband of Juana Ochoa, five children)
Tomás Dormos Ochoa (20, son of German Dormos, wife and two children)

30 August 1975 (Los Valles)

Paulino Hernández
Sabino Hernández

6 September 1975 (Los Valles)

Expectación Ramos
Natalio Díaz
Juan Chavarría
José Cruz
Luis Hernández
Manuel Hernández
Bruno Hernández

11 November 1975 (Boca Piedra)

Gabino García
Jesus García Méndez
Samuel Ochoa García
Ruperto Mendoza
Braulio Maldonado
Dolores Aguilar Pérez

30 November 1975 (Cubalf de Puerto Viejo)

Jenaro Granado Guillén
Tomás Guido
Clemente Cruz
Leonardo Cruz (son of Clemente Cruz)

30 November 1975 (Río Zinica between Puerto Viejo and Boca Piedra)

Humberto Castro
Guadalupe Castro
Modesto Castro
Tomás Sánchez (son of Presentación Sánchez)
Apolinar Sánchez (son of Presentación Sánchez)
Cipriano Sánchez (son of Presentación Sánchez)

1976 February 1976 (Sofana)

Timoteo López (60)
Paula García (45, wife of Timoteo López)
Juan López García (25, son of Timoteo and Paula, husband of Agustina Sevilla, three children)
Daniel López García (23, son of Timoteo and Paula, husband of Eulalia Sevilla, three children)
Margarito López García (15, son of Timoteo and Paula)
Roque Martínez García (35, husband of Felicitiana Hernández, five children)
Pablo Martínez García (30, brother of Roque, husband of Lucía Martínez, one stepson, local leader of Acción Católica (Catholic Action))
Tito Martínez García (25, brother of Roque, unmarried)
Alejandro Martínez (60)
Francisca Sánchez (48, wife of Alejandro Martínez, six children)
Lucía Martínez Sánchez (23, daughter of Alejandro and Francisca, wife of Pablo Martínez)
Estanislado Rodríguez Arauz (60, husband of a member of the Medardo family, two children)
Salomón Pérez López (55, widow, delegado de la Palabra, secretary of Acción Católica, rural teacher in Boca Dudu)
Cruz Pérez López (30, son of Salomón Pérez, husband of Felicita Mendoza, five children)
Linda Pérez Mendoza (12, daughter of Cruz Pérez)
María Pérez López (15, daughter of Salomón Pérez)
Mariano Pérez López (25, son of Salomón Pérez)
Cecilia Sevilla (20, wife of Mariano Pérez, two children)
Federico Sevilla Sánchez (30, brother of Cecilia, husband of Santos Pérez, four children)
Felicita Mendoza (25, second wife of Cruz Pérez)
Valerio Lanza (25)
María López García (22, wife of Valerio Lanza, four children)
Mariano López García (35, married to a sister of Valerio Lanza, six children)
Eliodoro López Lanza (12, son of Mariano López)
Máximo Manzanares (40, husband of Gertrudis Martínez, five children)
Fernando García Castro (34, president of Acción Católica)
Basilía Hernández López (30, wife of Fernando García, six children)
Pastor Hernández Ochoa (50, husband of Sötera López, father of Basilía, six children (two at home), vice-president of Acción Católica)
Agustín Hernández López (25, two children, health leader candidate)
María García Castro (36, wife of Leonzo Martínez, sister of Fernando, ten children)
Constantina Martínez García (6, daughter of María and Leonzo)
Pedro Aguilar (60)
María Sánchez (35, wife of Pedro Aguilar, five children)
Francisco López Benites (70, husband of Nicolasa Centeno, seven children)
Pascual López Centeno (22, son of Francisco, husband of Angela Picado, one child)
Cirilo López (30, son of Francisco López, husband of Paula Hernández, three children)
Luciana López (25, daughter of Francisco López, unmarried)
Florencio Centeno (35, husband of Gloria María González)
Sergio Rodríguez Picado (30, husband of María López, four children)
Electerio García Pérez (35, husband of a member of the Santos family, four children)

1976 February 1976 (Sofana)(continued)

Pedro González Meses (11, son of Gumercindo González Meses and Ernestina Maldonado Sánchez)
Mercedes González Meses (12, daughter of Gumercindo and Ernestina)
Justo Mairena (38, husband of Petrona Sevilla, three children)

February 1976 (Boca Dudú)

Sebastián Sánchez Pérez (60, married to Estebana García)
Benjamín Sánchez García (40, son of Sebastián and Estebana, husband of Cándida de García, several children, Acción Católica (Catholic Action) treasurer)
Guadalupe Sánchez Mendoza (30, husband of Petronila Dormos Obregon, local leader of Acción Católica and delegado de la Palabra, four children)
Justo Soza García (30, Acción Católica vice-president, delegado de la Palabra, farmers' club leader)
María Casilda Obregón López (28, wife of Justo Soza, three children)
Mario Prado (25, husband of Petronila Siles, two children, farmers' club leader)
Vivián Pérez Dormos (36)
Celestina Martínez (31, wife of Vivián Pérez)
Juan Pérez Martínez (14, son of Vivián and Celestina)
Miguel Pérez Martínez (13, son of Vivián and Celestina)
Hidovís Pérez Martínez (10, son of Vivian and Celestina)
Juana Pérez Martínez (9, daughter of Vivián and Celestina)
Josefa Pérez Martínez (daughter of Vivián and Celestina)
Antonio López Hernández
Angela Hernández (wife of Antonio)
Felipe Mendoza Sánchez (25, married to daughter of Crecencio Martínez, some children)
Bonifacio Sánchez López (30, son of Expectación Sánchez)
Meregilda Obregón (35, wife of Bonifacio Sánchez, four daughters)
Santos Centeno Hernández (40, husband of Simona López, four children)
Simona López (36, wife of Santos Centeno and sister of Sôtera López)
Tomás Hernández Obando (20, son of Santos Centeno)
The other three children of Santos Centeno Hernández

February 1976 (Zapote de Dudú)

Ruperto Flores Martínez (35, husband of Diega Granado Chavarría, five children, delegado de la Palabra and president of Acción Católica)
Felipe Montoya Pérez (25)
Santos Díaz Soza (25, unmarried, son of Jacinta Díaz)
Baloy Díaz Soza (35, unmarried, son of Jacinta Díaz)

February 1976 (Plátano)

Agapito Hernández Gaitán (30, unmarried)
Tomás Hernández Gaitán (23, husband of Mercedes Aguilar, two children)
Coronado Hernández Sánchez (16)
Isabel Hernández Ochoa (45, mother of Agapito, Tomás and Coronado, sister of Pastor Hernández of Sofana, eight children)

February 1976 (Yaró)

Alberto González (35, married to a daughter of Santana Mendoza, five children)

1976 March 1976 (Irlán)

Catalino Lema (8, son of a man named Agapito)
Francisco López Hernández (23, husband of Sinforosa Arauz, one child, lived in Yucumalí)
Pedro López Granado (26, husband of a member of the Calero family, some children, lived in Bilwás, son of Nicomedes López of Bilwás)

March 1976 (Managua DN)

Máximo García Castro (33, husband of Luisa Guillén, two children, lived in Sofana, where he was juez de mesta, delegado de la Palabra and rural teacher, brother of Fernando and María García Castro)

May 1976 (Yucumalí)

Jenaro López Sevilla (50, husband of Leonidas Granado, three children, local leader of Acción Católica)
Adrián López Granado (23, married, two children, local leader of Acción Católica in Boca Dudú, son of Jenaro López)
José López Granado (22, son of Jenaro López, married to Juana Hernández, two children)
Santiago Aguilar Sánchez (married to a woman named Juana, seven children)
Quintín Aguilar (15, son of Santiago Aguilar)
Natividad Aguilar (18, son of Santiago Aguilar)
Santos López (18, son of Jenaro López, husband of Jacinta López, two children, captured in El Ocote)
Dolores López (30, niece of Jenaro López)
Luis López (18, unmarried, son of Francisco López and Santos Hernández, brother of Francisco López who disappeared from Irlán in March 1976)

May 1976 (Dipina)

Arturo Hernández (25, son-in-law of Jenaro López, four children)

May 1976 (Boca Dudú)

Pablo Flores (16, son of Sixto Flores and Agustina Huetes)

May 1976 (Ocote)

Francisco López
Cándido López (son of Francisco)
Ernesto Hernández (local leader of Acción Católica in San Martín Yaosca)
Demetrio López

June 1976 (Yucumalí)

José Antonio Díaz (50, lived with Clementina González, juez de mesta)

July 1976 (Boca Dudú)

Abrahán Paiz (50, married, children)
Francisco Siles (25, husband of María García, two children)

July 1976 (Bilwás)

Anatolio Orozco (24, wife and children)

July 1976 (Lauló)

Benigno Orozco (55, married, father of Anatolio)

1976 July 1976 (Parasca)

Simeon Pérez (43, husband of Pastora Morán, three children)
Felipe Pérez Siles (30, married, some children)
Vicente Guillén (43, married to daughter of Crecencio Martínez, some children, juez de mesta, local leader of Acción Católica in Boca Dudú)
Santos Cano

July 1976 (Yucumalí)

Máximo Arauz (25, unmarried, stepson of Ciriaco Díaz)

July 1976 (Bocana de Waslala)

Tiburcio Herrera
Santos Herrera (son of Tiburcio)
Alberto Herrera (son of Tiburcio)

August 1976 (Bilwás)

Nicomedes López Baldonado (60, husband of Telesfora Granado)
José Granado López (25, son of Nicomedes, wife and two children)
Pablo López Granado (23, son of Nicomedes, wife and one son)
Eusebio López Granado (30, son of Nicomedes, husband of Domitila Díaz, seven children)
Rosalió Mendoza López (28, son-in-law of Nicomedes, husband of Ignacia López, five children)
Cruz Palacios Morales (25, son-in-law of Nicomedes, husband of Petrona López, no children)

August 1976 (Yucumalí)

Félix González (45, husband of Natividad Hernández, four children)
Pablo González Hernández (20, son of Félix and Natividad)

August 1976 (Yaró)

Segundo Dormos
Antonio Dormos (son of Segundo)
Alejandro Manzanares
Fidel García

September 1976 (Boca Dudú)

Lino López García (18)
María Eulogio López García (24)
Eulalio López Hernández (45, married, father of Lino and María Eulogio, local health leader, delegado de la Palabra, rural teacher)

September 1976 (San Martín Yaosca)

Emperatriz Aguilar (her husband, Teodoro Pérez, was taken away 4 August 1975)
Andrea Pérez Aguilar (daughter of Teodoro and Emperatriz)

September 1976 (Ocote)

Leonza López (wife of Ernesto Hernández)

1976 November 1976 (Manser)

Ruperto Videa (delegado de la Palabra)
Abraham Chavarría (juez de mesta)
Celso Morán
(The above three were to meet at Porvenir Quipó)

November 1976 (Kaskita)

Jenaro Ochoa (55)
Leonza Aguilar (50, wife of Jenaro Ochoa)
Juan Ochoa Aguilar (26, married, three children, delegado de la Palabra in las Ramplas)
Angel Ochoa (25, son of Jenaro Ochoa, husband of Cecilia Dormos)
Cecilia Dormos (20, wife of Angel Ochoa)
The third son of Jenaro Ochoa
Three daughters of Jenaro Ochoa
Santos Pérez (20, son of Nicasio Pérez and son-in-law of Jenaro Ochoa)
The other two sons-in-law of Jenaro Ochoa (there are approximately eleven orphans in the Ochoa family)
The unmarried daughter of Jenaro Ochoa
Leandro Escorcía (60)
Bonifacia de Escorcía (45, wife of Leandro)
A daughter of Leandro Escorcía
Marcos González (30)
Cecilia de González (20, wife of Marcos, two children)
Concepción González Escorcía (25, brother of Marcos, one daughter)
Orlando Escorcía (18, brother of Marcos González)
Dimas Escorcía (22, brother of Marcos González)
Roberto Escorcía (24, brother of Marcos González)
Nicasio Pérez (43, married, five children)
Dominga de Pérez (40, wife of Nicasio Pérez)
Martín Pérez (26, son of Nicasio Pérez, wife and children)
The wife of Martín Pérez
Claudio Pérez (14, son of Nicasio Pérez)
Lucía Pérez (daughter of Nicasio Pérez)
Benjamín Calero (husband of Camila González, three children)
Gilberto González (27, husband of Modesta González, four children)
Cándido González (27, wife and two children)
Pablo González (30, brother of Cándido, wife and two children)
Santiago Rodríguez (20, married, two children)
Pablo Rodríguez (38, father of Santiago, two children)
Emilia Mendoza (35, wife of Pablo Rodríguez)
Marcos Pérez (17)
Gregorio González
Arnoldo Martínez
Leopoldo Martínez

December 1976 (San José Silví)

Pastor Espinoza (40, married, some children)
Justo Romero (30, wife and children, juez de mesta)
Eduvís Rocha (27, wife and children, supplementary juez de mesta)

December 1976 (Porvenir Quipó)

Reynaldo Vallejo (35, three children, taken to Kaskita)

1977 January 1977 (San José Silví)

Rosa Mesas (50, widow)

January 1977 (Alo)

José Gutiérrez (48, husband of Adela de Gutiérrez, four children,
Acción Católica President)

17 January 1977 (Zapote de Dudú)

Antolín López (45)

Agustina Guillén (40, wife of Antolín)

Alejandro López Guillén (23, son of Antolín, husband of Avelina Díaz)

Porfirio López Guillén (20, son of Antolín)

Bernardo López Guillén (14, son of Antolín)

Agusto López Granado (18, son of Antolín)

Appendix 5 b

INFORMATION ON EXECUTIONS IN VARILLA, DEPARTAMENTO MATAGALPA,
RECEIVED FROM NORTH-AMERICAN MISSIONARIES IN SIUNA, DEPARTAMENTO ZELAYA

Those captured and executed by the "Hilario" patrol of the National Guard at the end of January 1977 (the patrol was accompanied by seven local jueces de mesta):

1. Federica de González, wife of Ignacio (he was the vocal of the Cusuli chapel, Zelaya, who was captured by the National Guard in November 1976);
2. Cristina González, daughter of Federica and Ignacio;
3. Patrocino González, son of Federica and Ignacio;
4. Victorino González, son of Federica and Ignacio;
5. Eliberto González, son of Juan González (he was delegado de la Palabra of the community of Cusuli, Zelaya, who was captured by the National Guard in November 1976);
6. Aquiles González, son of Juan González;
- 7, 8 and 9. Brígida Pérez and her two children;
10. Valentina Pérez;
11. Adolfa Pérez;
12. Florentina Pérez;
13. Jesus González;
14. Marcos Maldonado;
15. Bertilda de Maldonado;
16. Virgilio Maldonado, son of Marcos and Bertilda;
17. Fidencio Maldonado, son of Marcos and Bertilda;
18. Victoria Maldonado, daughter of Marcos and Bertilda;
19. Francisca Maldonado, daughter of Marcos and Bertilda;
20. Valeria Maldonado, daughter of Marcos and Bertilda;
21. Another very young son who had not yet been baptized;
22. Reynaldo Maldonado;
23. Dora Castillo, wife of Reynaldo;
24. Catalino Maldonado, son of Reynaldo and Dora;
25. Francisco Maldonado, son of Reynaldo and Dora;
26. Juana Maldonado, daughter of Reynaldo and Dora;
27. Another son of two years of age;
28. Another son of one year of age;
29. Juan Maldonado;
30. Elia Zamora, wife of Juan Maldonado;
31. Pastora Maldonado, daughter of Juan and Elia;
32. Mauricio Maldonado, son of Juan and Elia;
33. Esmeralda Maldonado, daughter of Juan and Elia;
34. Concepción Maldonado, daughter of Juan and Elia;
35. Juan Maldonado, son of Juan and Elia;
36. A very young son;
- 37 to 44. Eight other persons, whose names are not known.

There were 29 children, 11 adult women and four adult men. The women were raped before they were killed.

A p p e n d i x 5 c

BACKGROUND TO RURAL CASES

Account of the situation in the Cuscaguas area, Departamento Matagalpa:
translation of a signed open letter from priests of the Roman Catholic diocese
of Matagalpa to the National Guard Commander of the Northern Zone, 1 January 1977

FRANCISCAN FATHERS
MATIGUAS

1 January 1977

Señor Coronel Gustavo Medina,
Commander General Headquarters,
National Guard,
Northern Zone, Río Blanco.

As lovers of peace and order, as this is the essence of Christian life, we permit ourselves to express to you our concern at tragic events which have profoundly affected the communities along the River Tuma and the area that lies between Las Bocanas de Muy Muy Viejo and Bilampi.

- 1) On 9 December, the Mincho-Chavelo patrol, without warning, destroyed the home of Gloria Chavarria in Bilampi and killed her, her three grown-up daughters and two children. All these people were completely defenceless. Four small children were left and they are being cared for by relatives. Afterwards, another patrol arrived. The soldiers... continued the massacre in the surrounding area.
- 2) Santos Martínez and family: the house in the Ronda de Cuscawas near Bilampi was set on fire and all the members of the family, that is, the mother, father and two youths (reserve members of the National Guard) were beheaded for no reason at all. The two small children fled.
- 3) Marcelino López was killed by the National Guard a few months ago. Then, the so-called "Black Patrol" (Patrulla Negra) came and set fire to the house nearby and murdered his wife and four members of the family (Chilo and Darío were reserve members of the National Guard). Only two small children escaped.
- 4) Around Marcelino López' house, that is, in the area of the Chapel of San José de Cuscawas, the National Guard had established a colony of eight families. The people, seeing how the "Black Patrol" were acting, all managed to escape and the patrol could only set fire to the houses.
- 5) Nearby was the house of Santiago Arauz. The same "Black Patrol" went and killed the eldest children, Arnoldo and Antonio. The rest of the family fled, leaving behind them everything they possessed: their cattle and their land.

- 6) Near Ermita de San Antonio, still in Cuscawas, the same "Black Patrol" recently destroyed practically the whole colony of 18 houses, which the National Guard had established in the previous months, murdering several peasants. A large number of the inhabitants of the colony fled.
- 7) Near Capilla de San Antonio was the house of Santos Blandon. The "Black Patrol" killed him, his wife and a grown-up son, and set fire to the house.
- 8) At the same time, the "Patrulla de Reynaldo" went into action, going to the home of Bonifacio Martínez, killing him and three grown-up sons, although they had shown identity papers given them by other National Guard patrols. The women ran away.
- 9) Juan Arteta's family fled in the same way.

The flight of these people and their children through the areas of El Cacao Rosario and Cuabo has spread fear among the communities through the telling of these tragic events. Prominent members of the communities and others have even voiced their fears before the Colonel Commander of the General Headquarters, Northern Area, saying that if things continue like this they will have to abandon their homes and leave the area. The Cuscawas and Bilampi areas, which have suffered greatly in past months, have now been completely devastated. His Excellency President Somoza a short time ago gave his assurance that the National Guard would work in the defence of public order in the mountain areas and guarantee the safety and livelihood of the peasants. If this wave of terror and fear which currently holds sway in the mountains is not stopped, we shall see a massive exodus to the cities. The expanses of desolate uncultivated lands and of abandoned lands in the mountain region will grow even larger, corn and other crops will become even more scarce in the cities to which these destitute women and children will take only their sorrow and misery.

(Signed by two priests and stamped
with the seal of the diocese of
Matagalpa.)

Appendix 5d

CAMPESINOS REPORTED DETAINED: NOT ACKNOWLEDGED TO BE PRISONERS

June 1975, Cuscaguas, Matagalpa

Fermín AGUILAR Guillén	Europa HERNANDEZ
Gerónimo AGUILAR	Faustino HERNANDEZ Vargas
Gregorio AGUILAR Escobar	Antonio MAIRENA
Macaria AGUILAR	Cándida MAIRENA
Santiago AGUILAR	Fanor MAIRENA
Simón AGUILAR Escobar	José MAIRENA
Sindulfo AGUILAR Guillén	Ramón MAIRENA
Tomás AGUILAR López	Wilfredo MAIRENA
José BENAVIDES	Gregorio MONTOYA
Julia GOMEZ	Eleodoro PEREZ
Tacho GOMEZ	Lionsa RAMOS
Isabel GUIDO	Natalio REYNA
Crescencio HERNANDEZ (son)	Eleodoro SANCHEZ

February 1976, Cuscaguas, Matagalpa

Casimiro AGUILAR	Santos LOPEZ
Pedro AGUILAR Hernandez	Esmeralda MAIRENA
María CAMPOS	Eufemia MAIRENA
Rafaela CAMPOS	Reina MAIRENA
Estebán GOMEZ and his wife Marina	Alejandro PEREZ Picado
Facundo LOPEZ	Matías PEREZ Picado

April 1976, La Tronquera, Matagalpa

María CASTIL	Víctor FLORES
Electerio CENTENO	LOZA (entire family)
Fernando CENTENO	Máximo MARTINEZ
Sabino CENTENO	Máximo MARTINEZ (son)
Victorino CENTENO	Feliciano OCHOA Díaz
CINOCO (entire family)	German OCHOA
Genaro DIAZ	Pastor OCHOA
Pablo DIAZ	Santos OCHOA
Santos DIAZ	

Appendix 6

DETAILS FROM A DOCUMENT LISTING TORTURE OF POLITICAL PRISONERS
SENT OUT FROM THE MODEL PRISON OF TIPITAPA, NICARAGUA, 9 MAY 1976

Prepared by prisoners for the Amnesty International mission

Isidoro Alfaro Cáceres

Occupation: peasant
Date of birth: 4 April 1919
Date of capture: 3 August 1975
Torture: beatings with sticks, kicks, electric shocks, blows to the ears with cupped hands, beatings with rifle butts.

Luís Emilio Alfaro Díaz

Occupation: peasant
Date of birth: 1950
Date of capture: 4 August 1975
Torture: beatings with sticks, punches, kicks, beatings with rifle butts, hanging by testicles.

Teófilo Alfaro Cáceres

Occupation: peasant
Date of birth: 3 November 1926
Date of capture: 26 July 1975
Torture (tortured for eight days): beatings with cudgels and rifle butts, kicks, electric shocks, blows to the head and testicles.

Luís Felipe Moncada

Occupation: medical doctor
Date of birth: 21 September 1947
Date of capture: 10 December 1975
Torture: blows to chest, abdomen, neck and rest of body.

Alejandro Alonso Salmeron

Occupation: dental technician
Date of birth: 4 August 1951
Date of capture: 8 October 1975
Torture: beatings with fists and sticks, blows to the head with rifle butts, kicks, forced physical exercises, five days without food or water.

Absalon Bervis Mercado

Occupation: driver
Date of birth: 2 March 1931
Date of capture: 8 October 1975
Torture: seven days in conditioned air, five days without food or water, punches, beatings with sticks, blows to the ears, kicks resulting in spinal injury.

Alejandro López Guillén

Occupation: rancher
Date of birth: 27 February 1939
Date of capture: 20 September 1975
Torture (tortured for five days): punches, beatings with sticks and rifle butts, burst eardrums, fractured ribs, electric shocks.

Francisco Maldonado Lovo

Occupation: worker
Date of birth: 10 October 1948
Date of capture: 27 July 1975
Torture: cigarette burns, punches, beatings with sticks and rifle butts, tying up and hanging from his feet, four days without food.

Noel Marin Olivas

Occupation: teacher
Date of birth: 17 September 1948
Date of capture: 4 December 1975
Torture: kicks in the testicles, beatings with sticks, electric shocks.

Pablo Velásquez Hernández

Occupation: peasant
Date of birth: 19 February 1942
Date of capture: 5 August 1975
Torture: beatings with rifle butts, kicks, punches, beatings with sticks, electric shocks.

Jaime Agurcia Moncada

Occupation: rancher
Date of birth: 11 January 1953
Date of capture: 13 September 1975
Torture: beatings with sticks and rifle butts, electric shocks, physical exercises.

María Martha Beltrán

Occupation: peasant
Date of birth: 20 October 1956
Date of capture: 7 October 1975
Torture: beatings all over the body, threats of rape, electric shocks.

Rodolfo Amador Gallegos

Occupation: rancher
Date of birth: 8 July 1950
Date of capture: 20 January 1974
Torture: beatings with fists and rifle butts, kicks, electric cattle prod, hanging by arms, blows to ears with cupped hands.

Ernesto Montiel Sirias

Occupation: student
Date of birth: 7 November 1953
Date of capture: 11 April 1974
Torture: blows to ears with cupped hands, blows to body, pressure of feet on his neck.

Juan Alberto Blandon López

Occupation: public employee
Date of birth: 29 May 1949
Date of capture: 26 September 1975
Torture: electric wires, punches, kicks, beatings with sticks, beating of feet, five days without food or water.

Lucio Martínez López

Occupation: rancher
Date of birth: 24 August 1926
Date of capture: 14 September 1975
Torture: punches, beatings with sticks and pistol, kicks, electric wires, blows to ears with cupped hands, blows to the head.

Gilberto Rivera Amador

Occupation: rancher
Date of birth: 1923
Date of capture: 26 September 1975
Torture: similar to the previous prisoner.

Ernesto Morazán Herrera

Occupation: businessman
Date of birth: 8 September 1930
Date of capture: 20 January 1976
Not tortured.

Donato Agurcia Espinoza

Occupation: worker
Date of birth: 29 December 1955
Date of capture: 17 September 1975
Torture: kicks, beatings with sticks, electric wires.

Jorge Ulises Calderon

Occupation: teacher
Date of birth: 31 December 1926
Date of capture: 6 December 1975
Not tortured as he had heart trouble and spinal problems.

Tobías Gadea Medina

Occupation: businessman
Date of birth: 23 November 1932
Date of capture: 27 September 1975
Torture: electric shock, seven days without food or drinking water.

Félix Pedro Meneses

Occupation: cooperative worker
Date of birth: 24 June 1937
Date of capture: 14 January 1976
Torture: beatings with sticks, rulers, electric wires to the ears, testicles and feet, blows to the head, blows to the ears with cupped hands - his wife, Gloria Peralta de Meneses, was tortured.

Javier Alonso Carrion McDonough

Occupation: student
Date of birth: 21 November 1953
Date of capture: 8 March 1976
Torture: beatings all over the body, acid on feet, cigarette burns, electric cattle prod, blows to ears with cupped hands, violent physical exercises.

Jacobo Marcos Frech

Occupation: medical doctor
Date of birth: 28 December 1943
Date of capture: 11 December 1975
Torture: beatings with sticks, punches, electric shocks.

Liana Benavides Grütter

Occupation: student
Date of birth: 10 May 1952
Date of capture: 8 October 1975
Torture: beatings, electric cattle prod, blows with edge of rulers, upper part of body stripped, wires, blows to the ears with cupped hands, kicks.

Noel Blandon Chavarría

Occupation: not known
Date of birth: 12 May 1950
Date of capture: 14 January 1976
Torture: electric wires, beatings all over the body with sticks.

Maximiliano Martínez Torres

Occupation: peasant
Date of birth: 18 February 1951
Date of capture: 6 October 1975
Torture: kicks, electric cattle prod, punches, beatings with sticks, blows to the ears with cupped hands.

Donald Calderón Román

Occupation: student
Date of birth: 29 November 1956
Date of capture: 4 February 1976
Torture: beatings with fists all over the body.

Guillermo Cáceres Bansa

Occupation: electrician
Date of birth: 6 November 1930
Date of capture: 27 July 1975
Torture: beatings with sticks, electric shocks, kicks, hanging by testicles, head beaten against wall, injuries to leg and feet, fractured ribs, blows to spine and occipital region.

Orlando Castillo Estrada

Occupation: student
Date of birth: 19 April 1953
Date of capture: 20 March 1974
Torture: punches, immersion in trough of water, five days in conditioned air, blows to ears with cupped hands, hanging by arms, violent physical exercises, beaten against wall.

Jesus Olivas Mairena

Occupation: cabinet-maker
Date of birth: 7 July 1930
Date of capture: 27 July 1975
Torture: punches, beatings with sticks, electric shock, kicks, handcuffed to a stone for three months, blows to the ears with cupped hands, hooding.

Vicente Godoy Bustamante

Occupation: peasant
Date of birth: 22 January 1942
Date of capture: 27 July 1975
Torture: similar to the previous prisoner, resulting in injury to the eardrums from blows to the ears.

Pedro Joaquín Rivera

Occupation: agricultural worker
Date of birth: February 1953
Date of capture: 10 January 1975
Torture: punches, beatings with sticks and rifle butts, blows to the head, kicks, electric shocks.

Félix Pedro Carrillo Valle

Occupation: student
Date of birth: 18 May 1954
Date of capture: 8 March 1976
Torture: punches and beatings with rifle butts.

Enrique Schmidt

Occupation: economist
Date of birth: 11 May 1944
Date of capture: 18 December 1975
Torture: punches and kicks.

Lucas Mariano Cortes

Occupation: peasant
Date of birth: 18 October 1953
Date of capture: 10 October 1975
Torture: punches, kicks, beatings with sticks, blows to the ears with cupped hands.

Damaris Calderón Roman

Occupation: public employee
Date of birth: 21 April 1955
Date of capture: 4 February 1976
Torture: electric shock, punches, kicks, feet burnt in fire.

Heberto Incer

Occupation: economist
Date of birth: 14 August 1942
Date of capture: 9 January 1974
Torture: four months' incommunicado, hooding, punches, five days in conditioned air.

Luis Guzmán Luna

Occupation: student
 Date of birth: 24 July 1954
 Date of capture: 30 July 1975
 Torture (tortured for nine consecutive days): punches, kicks, beatings with gun butts, beatings with sticks on his shins and elbows, neck and head, electric shocks, nine days' standing up, eight days without food or drinking water, kicks in the testicles, 95 days incommunicado and hooded, nine days in conditioned air.

Juan José Ubeda

Occupation: student
 Date of birth: 21 February 1952
 Date of capture: 6 October 1975
 Torture: punches, kicks, hanging by the arms, blows to the head, blows to the ears with cupped hands, hooded for two months, four days incommunicado.

Rosaria Rivera Lanuza

Occupation: secretary
 Date of birth: 12 June 1955
 Date of capture: 10 January 1976
 Torture: electric wires, beating with hoses and rulers, upper part of body stripped and fondled, three days without food.

María Adelina Beltrán

Occupation: peasant
 Date of birth: 1933
 Date of capture: 8 October 1975
 Torture: shocks, beatings with fists.

Nubia Madriaga Moraga

Occupation: worker
 Date of birth: 1954
 Date of capture: 8 October 1975
 Torture: punches, abortion induced due to kicks, electric shocks, fondled.

Appendix 7CASE STUDIES (TORTURE)

René Nuñez Tellez, a 29-year-old former engineering student, was reportedly detained by the National Guard on 28 December 1974, whereupon he "disappeared" for 123 days. Authorities officially denied that he had been detained. He was allegedly severely tortured and suffered serious head injuries and fractures. Amnesty International's request for information on his legal position and medical state received no response from the Nicaraguan authorities. However, it was later learnt that Señor Nuñez "reappeared" in April 1975, at which time the authorities reported his arrest for alleged links with the guerrilla organization, FSLN.

During the mission, student sources submitted to the delegates copies of correspondence sent by René Nuñez' mother to the authorities protesting about her son's disappearance. She cited eye-witnesses who saw her son taken from a taxi by the authorities. She wrote to the Minister of the Interior and Justice, Ing. José Antonio Mora, asking for intervention to safeguard the life of her son.

Her letter to the Nicaraguan Red Cross of 8 January 1975 stated that, "On Sunday, 5 January, I knew that a youth of this name (René Nuñez Tellez) was taken, gravely wounded, at about 11 a.m., to the San Vicente Hospital by a patrol of the National Guard." In a letter of 10 January, she wrote to Ing. Mora to plead for his intervention, citing sources in the San Vicente Hospital who had seen her son taken there "in a deplorable physical state, with a deep wound in his head, his shoulders and ribs terribly maltreated, his ribs fractured, his right arm deformed, his cheekbones and his hands and feet wounded". She said that, regardless of the demands of the medical staff that he be hospitalized, the National Guard officials accompanying him denied him further treatment and took him away to an unknown destination. No reply was received.

Despite repeated writs of habeas corpus and letters to the authorities, no official recognition of René Nuñez' detention was given to his mother. Dr Fletcher Gurdian of the San Vicente Hospital, in the city of Leon, signed an official statement submitted to the mission confirming having given René Nuñez Tellez emergency medical treatment for "head wounds and various injuries" after he had been brought to the hospital by National Guard troops. The treatment was given on 5 January 1975, that is, eight days after his detention.

By 16 April 1975, René Nuñez Tellez had still not appeared. On this date his mother wrote to President Somoza asking why her son could not be seen: "What mysterious shadow surrounds the imprisonment of my son? Why is he not permitted visits?...Has my son died? Is it because they are still torturing him?"

On 7 May 1975, René Nuñez Tellez was indicted with 36 others for joint responsibility in crimes committed by the FSLN. He was acknowledged to be a prisoner in the Model Prison of Tipitapa, where he was taken after nearly four months' incommunicado in the cells of the Office of National Security in Managua.

Luis Armando Guzmán Luna, a student, "disappeared" after detention by the National Guard on 30 July 1975. Amnesty International appealed for his safety to the Nicaraguan authorities on 12 September. They denied that he was in custody. However, on 28 October, Señor Guzmán was brought before the Permanent Military Court of Investigation as a "witness" and his detention was confirmed. Press reports of his initial hearing in the 29 October 1975 edition of La Prensa (a liberal daily newspaper) stressed that journalists could only partially hear his testimony; no mention of torture or ill-treatment was printed.

Numerous sources partially confirmed that Señor Guzmán had been ill-treated and tortured. He was one of the 44 prisoners mentioned in the document prepared for the mission by prisoners in the Model Prison of Tipitapa (Appendix 6); the account of his treatment described in the document was verified to the delegates by his lawyer, Dr Mario Mejia Alvarez:

"Nine consecutive days torture: punches, kicks, beating with gun butts, beating with sticks on shins and elbows, neck and head, electric shocks, nine days standing up, and eight days without food and drinking water, kicks in the testicles, 95 days incommunicado and hooded." (See Appendix 6.)

Under military regulations, the trial process must be public. Journalists are permitted to observe and report the proceedings, which usually include the prisoners' testimonies. Under the decree, however, censorship is officially imposed. In spite of extremely thorough censorship, the mission located a number of press reports of testimony before the military court that referred directly to torture. In each instance, the delegates found that the allegations were followed by statements by the military prosecutor requesting the court to add perjury to the charges against the accused.

Luis Armando Guzmán Luna, in his appearance before the military court on 18 March 1976, was reported - in La Prensa of 19 March - as having said that:

"There (the Office of National Security)...I was the object of a great number of tortures against my person. That is to say, I came under pressure, not knowing I was to testify before a court; nonetheless, I ratify my (previous) declaration as a witness in the majority of its parts, rendered before this court, with the observations I made a short time ago."

Immediately following this statement, in the same article, the response of the military prosecutor is reported as follows:

"The Military Prosecutor, Dr Lt Isidoro López Prado, said that he had no questions to ask, but requested the court to add the crime of perjury to the charges against the accused."

On 13 March, La Prensa reported a request made by lawyer Mario Mejía Alvarez, on behalf of Luis Armando Guzmán Luna, pertaining to his client's claims to have testified under duress of torture. Dr Mejía asked the court to subpoena, as evidence vital to his client's defence, a list of the guards on duty at the National Guard Command Post of Santa Rosadel Penon on the last three days of July 1975. It was at this command post that Señor Guzmán was initially detained and at which, he claimed, he was first severely tortured. Dr Mejía

also requested the court to provide the name of the officer in command of the post at the time. Both requests were refused. From reports of proceedings in subsequent hearings, the failure of the court and the military prosecutor to investigate the allegations was obvious.

One of the newspapers' galley proofs examined by the mission dealt with the testimony of Luis Guzmán Luna already mentioned. The full text of the testimony, from the galley proofs of La Prensa of 19 March 1976, with indication of those sections published and those deleted, is as follows:

Published

"Guzmán Luna ratified his testimony given as witness before the same court some months ago, but made some observations about the same, as he affirmed..."

Censored (in continuation)

"...there are questions that were wrongly interpreted, wrongly copied, or presumably altered."

Published (in continuation)

"The witness told the court that, in honour of the truth and to be consequent with his principles, he ratified his testimony in some of its parts, even though he explained that he had arrived to testify after remaining..."

Censored (in continuation)

"...90 days incommunicado in the Office of Security."

Published (in continuation)

"There, the accused indicated, 'I was the object of a great number of tortures against my person.'" (Continued as above.)

The prisoner's reference to torture may have been permitted to be published in order to refer to the accumulation of an additional charge against the prisoner, that of perjury. Reference by other prisoners to torture in a number of cases detailed was censored completely.

Liana Benavides Grütter, a 23-year-old Costa Rican citizen and former student of history at the University of Costa Rica in San José, was detained on 8 October 1975 in the city of Chinandega by troops of the National Guard. She was first brought before the Permanent Military Court of Investigation on 18 November 1975 and indicted on charges based on joint responsibility for violent actions of the FSLN, on the basis of her own testimony.

The mission delegates were not permitted to examine the official court record or the official transcript of the proceedings. They did, however, meet her lawyer, Dr Roberto Arguello, and examined material published in the press, as well as censored galley proofs documenting her sworn testimony before the

court and her allegations of severe torture. One of the delegates interviewed Liana Benavides' mother and recorded her account of her daughter's story recounted to her during a visit to the Model Prison of Tipitapa. Both sources confirmed reports that Liana Benavides had been severely tortured.

The case of Liana Benavides was, in one respect, atypical. Although most prisoners "disappear" for as long as four months after arrest, 15 days after her detention, the consul of Costa Rica was permitted to see her. Since then, she has received visits from relatives and, on one occasion, was permitted an 18-minute interview with journalists.

The coverage of the Liana Benavides case by the Costa Rican newspaper La Nación contained the first reference to torture. She was interviewed in the Model Prison of Tipitapa in the presence of two National Guard officers and four prison guards, one of whom held a microphone. The interview (accompanied by a sketch) in La Nación of 4 March 1976 gives her account of her detention and treatment:

"At that time," she said, "I was tortured in the departmental headquarters of Chinandega, where I was taken, and from there transferred to Managua." In the latter place she remained in the Office of National Security, "incommunicado for nearly two months".

The tortures of which the young woman was the object...were "the electric cattle prod and hooding" (chuzo eléctrico and la capucha).

The torture of hooding consists of covering a person with a black cloth for some weeks, until all concept of time is lost. In these conditions, Liana was taken to testify before the military tribunal.

"I was taken to testify before the military court that investigates the actions of the Sandinist Front. At the time I rendered my testimony, I felt intimidated by being incommunicado...and many of the things I said were the product of extreme nervousness... I did not have time to consider what I was saying."

Liana Benavides made similar protests under oath to the Permanent Military Court of Investigation on 11 March 1976, after she had been indicted on the basis of her testimony as a witness in November 1975. That testimony was reportedly rendered while she was still in the bewildered and threatened state following prolonged hooding. As she was then detained in the formal capacity of a witness, she did not have the right to the services of a lawyer.

The complete version of the statements regarding torture, prior to censorship, was taken from the galley proofs of La Prensa of 12 March 1976. Again, the unwillingness of the court to investigate the basis of torture allegations and the aggressive response of the court to such allegations is apparent. The statements of the military prosecutor lay the burden of proof on the prisoner alleging to have been tortured. He states that, "it is now shown that what she affirms is a lie, as she has no evidence" and no other members of the court intervened in the question. The censorship of the passages in question reinforced the allegations.

The text of the article which deals with torture, indicating those sections censored is as follows:

Published

"Testimony of Liana Benavides Grütter"

"The young Costa Rican, Liana Rosa Benavides Grütter, indicted by the Permanent Military Court of Investigation that investigates the activities of the Sandinist Front, rendered a new declaration..."

Censored

"...and held yesterday that she was mistreated in the Departmental Command of Chinandega, after her capture about six months ago. Her affirmation originated in the questions of the prosecutor of the court, after the accused completed her voluntary testimony in which she made certain explanations of her testimony given as a witness before the Permanent Military Court of Investigation. The accused could not be specific about the individual person or persons she affirms abused her, as, while being tortured...she was, she said, deprived of her vision. That is, Liana Rosa said that, as she was beaten...her head was hooded, covering her eyes, and because of that...she could not see the individuals who maltreated her... After narrating these events, the girl asked the court not to hold her statement against her, as she had not wanted to refer to them, but had been impelled to do so by the questions of the prosecutor in that regard."

"Reasons for the question"

"When asked by the reporter from La Prensa why the questions were asked, Prosecutor Dr Lt Isidoro Lopez Prado replied: 'The reasons the prosecution had to ask this of the accused Benavides Grütter was...to discover the truth behind the grave allegations made by the same girl Benavides, through the newspaper La Nación of Costa Rica, against the authorities of Chinandega, and as it is now shown that what she affirms is a lie, as there is no evidence...'

'What is more,' he added, 'the young Benavides affirms to the court that she could not recognize the person or persons who, she says, tortured her in the Command of Chinandega.'

'But she affirms she could not recognize the people that maltreated her because she was hooded. What comment do you make on that, Mr Prosecutor?'

'That the system of hooding is an antiquated system and supposedly could have been used in the time of President José Santos Zelaya, who was my uncle.'"

Although unable to conduct personal interviews with the prisoner, the mission delegates felt that it could be assumed that Liana Benavides Grütter had, beyond reasonable doubt, been severely tortured and that, in consequence,

the testimony on the basis of which she was indicted by the Permanent Military Court of Investigation was delivered under severe duress.

Jaime Agúrcia Moncada, aged 23, is the owner of a small farm near the town of Macuelizo. He was detained on 13 September 1975 and first held in the departmental headquarters of the National Guard in Ocotal. He was indicted by the military court on charges based on joint responsibility for FSLN actions.

He was reportedly tortured by beatings with sticks and rifle butts, electric shocks and forced physical exercises, according to sources within the Model Prison of Tipitapa where he is currently detained. In his testimony before the military court, in which he was asked to ratify his previous statement made as a witness, he denied some of his statements were true, claiming that they were made under duress.

Although the mission delegates were unable to see the official transcript of the testimony, the account published in La Prensa, 11 March 1976, confirmed other reports that Jaime Agúrcia Moncada suffered severe torture. The delegates were unable to locate galley proofs of the uncensored version of this account.

"Among the things the accused said he had said under pressure and that did not happen was - as he had accepted - that he had been watching the Ocotal barracks to observe the movements of the Guard from the park. He also said that it was not true that he had gone to the Hacienda Santa Rosa to warn people there that the Guard had arrived, so that they might hide."

"The Military Prosecutor, Dr Lt Isidoro López Prado, after listening to the accused, asked him:

'The accused will state what motive he had to produce falsehoods in his first testimony before the Military Court?'

(NOTE: No reply by the accused is given, although a space is left in the published text, indicating that the response of the accused was probably censored.)

'The accused will state whether, when he was before the members of the Military Court, he felt menaced by any of its members or by the Prosecutor?'

(A space follows, possibly indicating a censored passage.)

'The accused will state how he can explain how, being in an environment of liberty before the Court, a lie can be produced before the same?'

'I didn't know what was happening and I thought that if I didn't say the same thing they were going to torture me...for me what I said didn't matter except to get through the moment...'"

Again, the prisoner said that his initial statements to the court were made under duress and that he was instructed to state certain things in his responses - to "say the same thing". Again, the prisoner stated under oath that he was maltreated, and the court made no open move to investigate the allegations.

Félix Pedro Meneses Lira, aged 40, is a member of a rural cooperative in Departamento Nueva Segovia. He was detained on 14 January 1976 and taken to the National Guard headquarters in Ocotal. He was later indicted on charges of joint responsibility for FSLN activities. Sources within the Model Prison of Tipitapa report that Félix Pedro Meneses Lira was tortured with beatings from fists, rifle butts and sticks, with blows to the head, as well as electric shocks.

The published report (La Prensa, 16 March 1976) of his statement to the court, in which he was to confirm his statements made earlier as a witness, again indicates that the prisoner testified under duress at this stage of the trial proceedings:

"Only Meneses Lira pointed out some elements of his testimony... and said that when he appeared before the Military Court in Ocotal he was under a psychological pressure.

(A space follows, possibly indicating a censored passage.)

'I was...

(The sentence is incomplete, ending in a long space, again indicating censorship.)

'I did not know where my wife was...if she was a prisoner, or not.'"

GLOSSARY

Campesino: This approximates to a peasant or rural worker.

* Comarca: This term refers to a village or hamlet.

* Departamento: The closest approximation to this in English is province.

Juez de mesta: The judicial authority at the level of the rural comarca, appointed by the mayor (alcalde) of the respective municipio; the jueces de mesta in turn appoint further judges at the level of the smallest subdivision of the departamento, the canton, known as jueces de canton. The jueces de mesta and jueces de canton are charged with applying laws at the local level in such matters as theft of livestock and firearms and hunting regulations. Their role is comparable to that of justices of the peace in the United States and Great Britain.

* Municipio: The closest approximation to this is region.

* Of these different units the comarca is the smallest, followed by the municipio which usually contains the regional capital, and finally the departamento which is the larger framework into which the first two units fall.

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