



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1990/83
27 February 1990

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 10 (a)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM
OF DETENTION OR IMPRISONMENT, AND IN PARTICULAR:

- (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Note verbale dated 12 February 1990 from the Permanent Mission of
Nicaragua to the United Nations Office at Geneva addressed to the
Centre for Human Rights

The Permanent Mission of Nicaragua to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Secretariat of the Centre for Human Rights and requests it to circulate the following communication under item 10 (a) of the agenda of the Commission on Human Rights at its forty-sixth session:

"We should like to refer to the report entitled 'Question of the human rights of all persons subjected to any form of detention or imprisonment, torture and other cruel, inhuman or degrading treatment or punishment' (E/CN.4/1990/17), submitted by the Special Rapporteur, Mr. P. Kooijmans, pursuant to Commission on Human Rights resolution 1989/33. In the English version of the document, page 35 contains information about persons detained or imprisoned in my country who have allegedly suffered from ill-treatment or torture.

In this connection, the information is completely false, as has been ascertained by the competent prison authorities and in talks held by members of the National Commission for the Promotion and Protection of Human Rights and of the Commission for the Defence of Human Rights in Central America (CODEHUCA), which has its headquarters in San José, Costa Rica, with each of the persons mentioned in the communication of 24 May 1989 mentioned by the Special Rapporteur in the report; one exception is Mr. José Luis Gramendia Toruno, who has never been arrested.

Mr. Erick David Canales, Mr. Michael Chael Busin Yusle, Mr. Roberto Waldan Reyes, Mr. Francisco Nataren García, Mr. José Ignacio Alvarenga López and Mr. Gregorio Méndez were pardoned by the Government of Nicaragua and released on 9 February 1990.

Mr. Erick Jorge David Canales had been captured after a battle in Esteli on 5 August 1987 and sentenced to 20 years' imprisonment. He was suffering from headaches caused by shrapnel in the head after a grenade exploded. He was hospitalized for 15 days, but he could not be operated on because he might have lost his life. He was given suitable treatment in prison. He spoke with Senator Enrique Bernales Ballesteros (Rapporteur on the use of mercenaries) when he visited Nicaragua in December 1988 (see document E/CN.4/1989/14, p. 28).

According to his own words, Mr. Michael Chael Busin Yusde, from Puerto Lempira, Honduras, took part in a number of battles with the counter-revolutionary forces, which he had joined in 1983, until he was captured in 1987. In one battle, he killed a number of wounded Sandinista soldiers and threw their bodies into the Prinzopolka River. He had been sentenced to 20 years' imprisonment.

Roberto Waldan Reyes, from Waspan, Río Coco, Nicaragua, had been held since 17 August 1985. He was sentenced to eight years' imprisonment for taking part in plans to kidnap the Nicaraguan Minister of Defence. He suffered from head and back injuries as a result of a road accident which took place before he was captured. He received suitable treatment in prison.

Francisco Nataren García was arrested after a battle in which he was wounded in the left hand and the left foot and he lost his left eye after a hand grenade blew up in Las Tejas, Matagalpa. When he was captured, he said he was from El Viejo, Department of Chinandega, Nicaragua. He had taken part in the attack in San José de las Mulas, where the counter-revolutionaries killed 17 young people. He was sentenced to 28 years' imprisonment. When he was captured he was taken to a hospital, because of injuries received in battle, and was later sent to the Penitentiary Centre.

José Ignacio Alvarenga López, arrested in 1979, was sentenced to 30 years' imprisonment for his direct part in killing a number of persons. He is the son of a Honduran father and a Nicaraguan mother, but he says that he is Nicaraguan.

Gregorio Méndez Pérez was sentenced to 30 years' imprisonment for killing Mr. Juri Ordóñez and for torturing other people, when he was a member of the National Guard in the Somoza era.

The National Commission for the Promotion and Protection of Human Rights checked on the health of these persons when they were still in custody, and the International Committee of the Red Cross constantly visited these penitentiary centres and gave special assistance to prisoners of this kind."

Geneva, 12 February 1990