

THE KILLINGS IN  
NORTHERN NICARAGUA

November 1989

An Americas Watch Report

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### Summary of Findings

From 1987 through the early part of 1989, Nicaraguan military and security forces engaged in a pattern of killings of contra supporters and contra collaborators in remote communities of northern Nicaragua in the area known as "Region 6." Through testimony obtained from family members and witnesses and other evidence obtained from reliable sources, Americas Watch documented 74 murders, 14 disappearances and two severe beatings; in addition, we obtained some evidence about another 20 possible killings and one disappearance.

Prior to the period in which these killings and disappearances took place, Americas Watch had documented sporadic killings and disappearances that we attributed to government forces. The only previous occasions that we were aware of a pattern of such killings and disappearances by government forces in Nicaragua under the Sandinista government involved abuses against the Miskito Indians in the Atlantic Coast region in late 1981 and in 1982; and in the region of Pantasma, Jinotega in late 1983 and in early 1984.

As we became aware of the pattern in the 1987 to 1989 period, Americas Watch published accounts of it in an August 1988 Report and in an April 1989 News from Americas Watch. In addition, we provided information to journalists for U.S. media.

Before publishing these accounts, Americas Watch informed the Nicaraguan government of our findings starting with meetings with officials in Managua in June 1988 when we first became aware that

there seemed to be a pattern and, thereafter, in correspondence, telephone calls and further meetings.

At the outset in mid-1988, our provision of information on these killings to the Nicaraguan government did not appear to elicit a significant response; subsequently, in late 1988, the Nicaraguan government's principal visible response was to publish a critique of our methodology. In 1989, however, especially during the period since April when the U.S. media gave our findings prominent attention, the Nicaraguan government has responded vigorously, launching a substantial number of investigations.

The report that follows is devoted primarily to an account of those investigations. The results have been mixed. Some prosecutions have been launched, convictions have been obtained and appropriate punishments have been imposed; in some cases, culprits have been identified but have reportedly absconded; in some cases, culprits have been prosecuted and convicted but have not been appropriately punished; in other cases, the Nicaraguan government has absolved its agents of wrongdoing.

Americas Watch regrets that the Nicaraguan government did not respond more speedily to the information we submitted. On the other hand, we are pleased that a major effort has been underway in the last several months and that, despite the deficiencies we have noted, some prosecutions, convictions and punishments have resulted. We disagree with some of the decisions to absolve agents of the state for the crimes that we reported. At the same time, we note with satisfaction that the prosecutorial response

that has now taken place has reduced sharply the number of new abuses that have been reported to Americas Watch. It is not yet clear to us, however, whether the pattern has stopped.<sup>1</sup>

The Nicaraguan government's response to our findings seems to us to be of great significance. For now, we are gratified that a vigorous -- if somewhat belated and still only partial -- response is taking place. Our ultimate assessment of that response must be withheld, however, until additional results are obtained.

As is our practice, Americas Watch also discusses in this report human rights violations by the guerrilla force attempting to overthrow the government, the contras. In the period covered by this report, we previously submitted to the contra leadership inquiries about 19 murders of civilians and 37 kidnappings of civilians by their forces; in addition, this report discusses four additional murders; two woundings (which were attempted murders) and two kidnappings. Americas Watch has had no response to any of these cases by the contra leadership. We also note a case in which a contra commander and five other contras were found guilty of murder, rape and torture by a contra disciplinary court and expelled from the Resistance, but that decision was reversed in an appellate proceeding. The contra commander was reinstated and has been appointed Chief of Intelligence of the general staff.

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<sup>1</sup> It takes time for us to hear reports of abuses and to get to the remote places where they occur to try to verify those reports. Also, it is only when we conduct fact-finding investigations in the field that we learn of some abuses. Accordingly, Americas Watch is not now in a position to make a more categorical statement about developments in the last several months.

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## Acknowledgments

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## I. Introduction

In the course of a periodic fact-finding visit to Nicaragua in mid-1988, Americas Watch learned of several cases in remote areas of Matagalpa and Jinotega in which agents of the security forces had selectively targeted suspected contra supporters for kidnapping and murder. In a report published in August 1988, we reported a few cases that we had been able to document, and called for an aggressive investigation of what appeared to be a distinct pattern.\* The relevant section of that report is reproduced as Appendix A. On subsequent visits to Nicaragua, Americas Watch documented this practice further. A researcher travelled to Region 6 in February, April and July 1989 and sought out relatives of victims and other witnesses. As a result of those fact-finding visits, we submitted additional cases to the Government of Nicaragua in letters dated March 20, April 25 and June 20, 1989. Also, in April 1989, we published an issue of News from Americas Watch which discussed the cases submitted to the Government in the first of those letters and the cases cited in our August 1988 report to which the government had not responded.\*\* Copies of NFAW and of the two subsequent letters are reproduced here as Appendices.

All told, the cases submitted to the Nicaraguan government

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\* Human Rights in Nicaragua: August 1987 to August 1988, Americas Watch, August 1988, pp. 89-93.

\*\* "Extrajudicial Executions in Nicaragua," News from Americas Watch, April 1989.

involved 74 murders, 14 disappearances and two severe beatings between 1987 and the first part of 1989. In addition, our research discovered an additional 20 possible killings and one possible disappearance, which we did not submit because our information is still incomplete or not sufficiently verified. Though some cases are from other regions of Nicaragua, the vast majority of these killings and disappearances took place in Region 6, in remote areas of Matagalpa and Jinotega, in the Northern mountains of Nicaragua. The concentration of so many cases in a particular geographic area in this period led us to conclude that these killings constituted a pattern, and could not be dismissed as isolated or sporadic.

In general terms, the pattern that emerges from our examination of these cases indicates that certain regional authorities of the Dirección General de Seguridad del Estado (DGSE) or of the Ejército Popular Sandinista (EPS) have engaged in selective kidnappings and assassinations of persons they suspected of being couriers\* for, or collaborators with, the contras. In most of the cases, bodies were found within hours or days, and in

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\* "Couriers" is our translation of the term correos that is commonly used in Nicaragua. This term has come to signify, for Sandinistas and contras alike, a job that not only includes transmitting messages but also collecting military intelligence (spying) on Sandinista troop movements, providing food and shelter to passing contras and storing military hardware such as mines. In some cases, correos assist in laying mines and other military tasks.

many cases those corpses showed signs of brutal torture. It is possible that those listed as disappeared are cases in which the corpses have been hidden, though we were informed of one case in which the victim "reappeared" after a few days of clandestine detention and one other case in which the decomposed body was located several months after the victim's abduction. Some victims were identified for kidnapping or assassination with the assistance of former contras who had taken advantage of the amnesty offered by the Nicaraguan government.

The areas where these crimes took place are generally considered among those in which the contras enjoy considerable support from the population and where they have relatives. Needless to say, abusive practices by the Sandinista authorities may well have contributed to this support. At the same time, this is an area where the war has created profound and lasting wounds in the social fabric. For that reason, many of these crimes could be attributed to personal vendettas, or settling of accounts. The fact that the culprits have been entrusted with the authority and apparatus of the state, however, converts these crimes into human rights violations, regardless of the personal motivation of the murderer, and regardless of whether or not a deliberate policy decision to commit any of them can be ascertained. The government of Nicaragua is responsible for the acts of its agents and has a grave obligation to investigate these crimes, to punish all those who took part in them or authorized them, and to put a stop to the

practice.

Americas Watch concentrated research and advocacy efforts on this matter for more than a year and, from the start, engaged the Nicaraguan government in a dialogue about it through meetings and correspondence that are described in greater detail later in this report. In August 1989, Jemera Rone, Director of our San Salvador office, and Juan E. Méndez, Executive Director, met with Vilma Núñez de Escorcia, Nicaraguan National Commissioner for Human Rights, in Managua. Dra. Núñez gave us information and documentation showing that investigations of some of the cases we submitted, done by the Auditoria Militar under her supervision, have yielded convictions or warrants of arrest against some current and former members of the security forces and Army. Mr. Méndez obtained further information during a visit to Nicaragua in September 1989. A detailed analysis of that information is presented in this report. Dra. Núñez has also promised to continue providing information to Americas Watch as other investigations progress.

Our expressions of concern prompted the government of Nicaragua to look at the matter at the highest level and, we were told, to order the dispatch of special investigatory teams formed by the Comisión Nacional de Promoción y Protección de los Derechos Humanos (CNPPDH, chaired by Dra. Núñez) and by the Auditoría Militar, the office of the military prosecutor with jurisdiction over crimes committed by officers and members of the Ministries of

Defense and Interior. Our initial assessment of the information we have obtained is that some investigations have been conducted in earnest. More significantly, our information from Region 6 indicates that the number of new cases declined sharply since April 1989, which coincides with the initiation of the governmental inquiries.

As far as we can tell from the documentation provided by the government, no complicity by higher-ups in the command structure has yet been established. For our part, we lack evidence of such complicity. Nonetheless, we note that the prosecutorial activity was prompted by a decision in Managua only after the matter had become a major national and international embarrassment after publication of the cases.\* Since the practice had been fairly well known at least since the publication of our August 1988 report, this means that for more than half a year the Nicaraguan authorities were looking the other way or were grossly negligent in controlling the actions of their subordinates -- even if they were not actually planning and promoting these killings.

We await information on investigations and prosecutions dealing with the remainder of the cases we submitted, and we will continue to monitor the situation before we formulate a definitive

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\* Front-page articles in The New York Times and in The Los Angeles Times on April 16, 1989, as well as a story in the international edition of Newsweek, all based on their own investigations that verified information furnished to those periodicals by Americas Watch, gave prominence to the story.

judgment on the seriousness of the investigations. For the time being, we are encouraged by some of the results to date, and we hope that the Nicaraguan government will continue on this path.

## II. Background

In the course of our frequent visits to Nicaragua on fact-finding missions starting in 1982, we had previously encountered cases of killings attributable to the security forces, and we discussed those cases in our reports. We found that, in some cases, the Nicaraguan government had acted to punish those responsible. In a few instances, the repetition of cases in a given area indicated a pattern, notably the disappearance and subsequent murder of some 70 Miskitos in the Atlantic Coast region between June and September of 1982, preceded by the murder of some 17 Miskito prisoners in Leimus in December 1981. A similar, relevant example, is a pattern of murders and other abuses in the general area of Pantasma, Jinotega, in late 1983 and early 1984.

In these cases, the Nicaraguan government conducted investigations, ordered at the highest level of the Sandinista leadership. In the case of Pantasma, the investigation was very public and it resulted in long sentences against some of the culprits. Other defendants were never caught. Last year, we learned that the government had exercised considerable leniency in favor of some or all of the Pantasma defendants.\* The investigation into abuses against the Miskitos was conducted in secret; Americas Watch has not been able to establish that any

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\* Human Rights in Nicaragua: August 1987 to August 1988, Americas Watch, August 1988, pp. 99-100.

defendant was seriously punished; those who had been punished at all were amnestied on December 1, 1983 when Miskito prisoners were released. We are aware of several other cases, however, in which security agents were punished for crimes that constitute abuses of human rights.

Though the exercise of leniency -- and in the case involving the Miskitos, the absence of significant punishment -- partially negates the effect of this investigatory activity, we recognize that, to a degree not matched by other governments in the region, the Nicaraguan government investigates, prosecutes and punishes those responsible for gross abuses.\* Obviously, this is not a high standard against which to measure the Nicaraguan government's performance. Yet the prosecutions that have taken place have had the effect of putting a stop to those practices when patterns have emerged, as in the two major examples cited above.

In Nicaragua and elsewhere, Americas Watch has always insisted that governments have a duty to investigate, to prosecute and, where warranted, to punish abuses.\*\* For that reason, our

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\* On October 7, President Carlos Saúl Menem of Argentina pardoned all but six of the high military officers responsible for systematic torture and thousands of disappearances and murders. President Menem has also announced an intent to pardon the remaining six mass murderers. Argentina had been the only Latin American government with a good record of investigating and punishing such abuses.

\*\* See, for example: Truth and Partial Justice in Argentina, August 1987; The Killings in Colombia, April 1989; Human Rights in Peru: A Certain Passivity, December 1987 and Tolerating Human Rights Abuses, October 1988.



research is not completed with the publication of testimony by victims or witnesses; based on that information, we ask governments for access to judicial or administrative files in an effort to establish the institutional response to each incident that appears to be a human rights abuse. We press for this, because investigating in good faith is a legal and ethical obligation of the State, also because we are persuaded that a consistent public policy of prosecuting those responsible is the best deterrent against the spread or repetition of abuses. Not surprisingly, countries in which egregious human rights abuses are numerous and sustained are also countries in which serious investigations or prosecutions never, or hardly ever, take place.

From 1983 to 1987, Americas Watch had considered extrajudicial executions that we learned of in Nicaragua to be "sporadic" and not to constitute a pattern.\* In our August 1988 report, when we first described the practice that is the subject of this report, we said that these incidents could not be considered sporadic; their number, frequency and concentration in a certain geographic area suggested that they could take place only if some higher authority was deliberately condoning them.\*\* Our subsequent research reinforces our view that these cases

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\* See, for example, Human Rights in Nicaragua 1986, Americas Watch, February 1987, p. 7.

\*\* Human Rights in Nicaragua: August 1987 to August 1988, Americas Watch, August 1988, p. 2.

constitute a pattern. We have not revised the view we expressed in our earlier reports about an earlier period; rather we consider that we are in the presence of a new phenomenon, not unlike the killings of the Miskitos in late 1981 and in 1982.

It must be noted that the killings and disappearances cited in this report, like those of the Miskitos several years earlier, have taken place in remote areas where monitoring is very difficult. On the one hand, this means that the problem could well be of a larger scope than we have been able to detect. There are other, equally remote and inaccessible areas in Nicaragua where similar abuses could take place and go undetected for a long time. In this regard, initial reports that we have heard suggest the need to turn our attention to Region 5 (Chontales, Boaco and parts of Zelaya), where the influx of fresh contra troops caused the war to heat up again in mid-1989, with a corresponding increase in security-related operations by government forces.

Our experience in other countries indicates that the continuing presence of neutral, independent organizations in remote conflict areas is of great value in monitoring and preventing these crimes. It is, therefore, important to encourage relief groups, church-related agencies and development organizations to establish such a presence in as many rural areas as possible. The presence of outsiders, whether Nicaraguans or foreigners, should serve to protect human rights -- provided of course that the participants in these efforts are concerned about

abuses against all, regardless of the political alignments of the victims. Regrettably, the polarized conflict in Nicaragua has made some relief, church and development agencies turn a blind eye to abuses against those aligned with whichever side they consider the enemy.

A lesson to be drawn from this is that the Nicaraguan government and citizenry must remain attentive to prevent a continuation, in Region 6 or elsewhere, of these acts of cruelty. This is particularly necessary at this time when a settlement of the long and bloody conflict seems at hand. If killings of this sort go unchecked, they will constitute a formidable obstacle to peace. On the other hand, if peace is achieved, it will still be necessary to monitor the situation closely to prevent disgruntled security agents from settling old scores when the outside world is no longer looking. Americas Watch remains committed to such monitoring; we believe, however, that it will be up to the authorities of Nicaragua, as well as to the institutions of civil society that Nicaraguans develop, to find lasting solutions.

### III. The Attitude of the Nicaraguan Government

When we first described this matter in our August 1988 report, the Nicaraguan government reacted promptly. In September 1988, Commissioner Vilma Núñez travelled to Washington to offer evidence to rebut our assessment that these cases constituted a pattern and, as such, were a departure from the previous situation. The documentation made available to us showed that prosecutions were under way in four of the cases we had reported. Also, with respect to another abuse, the murder of two Communist labor activists during a demonstration in March 1988, our report had indicated that an investigation was being conducted by the Auditoría Militar; the documents Dra. Núñez brought to our attention showed that the culprits had been convicted.

On December 2, 1988, Núñez and Daisy Moncada Bermúdez, a Foreign Ministry official, wrote to Aryeh Neier, Executive Director of Human Rights Watch, objecting to our findings in the August 1988 report. The letter repeated the information on specific cases that had been provided to us in September, and included a broader critique of the conclusions we had drawn from the cases we reported and of our research methodology. The letter took issue with the fact that we cited the Comisión Permanente de Derechos Humanos (CPDH) as a source for some of the cases, and articles in newspapers in the United States as sources for others. This critique was subsequently published, in English and in Spanish, by CNPPDH in its regular publication, which is widely

distributed in Nicaragua and abroad.

On January 11, 1989, we responded by letter to the government of Nicaragua. Though we have disagreed publicly with CPDH on many occasions, and we have criticized its methodology and the fact that it has obtained funding from the United States government through PRODEMCA, an organization formed in large part to support the contra war, we made it clear that we do not consider CPDH's information to be worthless. It has been our experience in many countries that it is precisely organizations that are perceived as antagonistic to a government that are often among the recipients of information from victims of abuses by that government. Our practice in such circumstances is to obtain that information but to incorporate it in our own findings only when we have been able to verify such abuses independently. In these cases, we had verified by our own means the pattern of abuses reflected in the report by CPDH that we cited. We also made it clear that we have frequently cited journalistic information on human rights cases when we know the journalists and know that their investigatory and reportorial methodology is rigorous and impartial. In these cases, though we cited the press accounts, we also had obtained additional information on the cases. As to the conclusions drawn from a relatively low number of cases actually discussed in our report, we stated once again that the examples cited illustrated what we thought to be a pattern, and did not constitute the whole universe of cases from which these examples were drawn.

The Núñez-Moncada letter also criticized our practice of publishing reports without giving the government an advance copy and appropriate time to respond. In our response, we noted that in the process of preparing our reports, we meet frequently with government officials, share our information and solicit their views, and that their responses are scrupulously reflected in our reports. We have followed such a policy in the case of every report we have published on Nicaragua. In our August 1988 report, for example, we pointed out that we had met with Comandante Tomás Borge on June 9, 1988; had asked him about crimes attributed to a particular security official; that the Minister of the Interior had agreed to look into the matter; but that we had received no further word by the time we published our report two months later.

In the course of a public appearance in December 1988, President Daniel Ortega repeated some of the criticism of Americas Watch set forth in the Núñez-Moncada letter.

On April 11, 1989, Dra. Núñez, the Commissioner for Human Rights, again wrote to Juan E. Méndez, to complain that our March 20, 1989 letter had been made available to the press a few days after it went to the Nicaraguan government. On April 14, 1989, we responded that the March letter was not a confidential communication. We made it available to journalists who were following our investigation and our dispute with the Nicaraguan government and who asked for it. We also noted that, given the seriousness of the cases we had investigated, we had decided to

publish accounts of them in an issue of News from Americas Watch that we circulated in April 1989. NFAW reported that we had submitted the cases we described to the government and that a response was expected; it also discussed killings we attributed to the contras which, in turn, had been submitted by us to their leadership.

On April 24, 1989, Dra. Vilma Núñez de Escorcia again wrote to Americas Watch repeating her complaint about the manner that Americas Watch was proceeding in publicizing these cases. In addition, the April 24 letter expressed concern that Americas Watch's information was being used as an argument by those in Washington who support continued aid for the contras.

In each of these letters, the Nicaraguan government stated that its policy of welcoming visits and inquiries by Americas Watch remained unchanged. The Nicaraguan Chargé d'Affaires in Washington, Mrs. Leonor Arguello de Huper, met with Juan Méndez to express similar concerns and, at the same time, repeated that the government would not change its policies regarding our fact-finding in Nicaragua. At other times, the Nicaraguan government publicly described Americas Watch as a responsible human rights organization and, in February 1989, at a meeting of the Central American governments, proposed that we should act as monitors of the human rights provisions of the various accords that constitute the Central America peace process.

In keeping with that spirit, we proposed to the Nicaraguan

government that we would conduct another mission to Nicaragua in early July to review the information gathered by the Nicaraguan government in response to our inquiries. We requested interviews with President Ortega and with several other high-ranking public officials. The government of Nicaragua asked us to change the dates on the grounds that Dra. Núñez and an official of the Foreign Ministry would be visiting Washington and wished to make the responses available to us in our offices. Also, we were told that in July it would be difficult to obtain high level meetings because of the preparations for the celebration of the tenth anniversary of the Sandinista revolution on July 19, with many international visitors in attendance.

We agreed to shift our visit to early August. After several delays, Dra. Núñez was not able to visit Washington after all. It appears that the United States Embassy in Managua initially refused to give her a visa. Towards the end of July, she was given a restricted visa solely for the purpose of visiting Americas Watch and the Organization of American States. The Foreign Ministry official, Mr. Julio Icaza, did come to Washington and in late July met with members of our Washington staff. He told them that appointments with high ranking Nicaraguan officials would be difficult to obtain in the first week in August. In spite of this, Jemera Rone and Juan E. Méndez visited Nicaragua between July 31 and August 4, 1989.

Dra. Núñez and Mr. Icaza made it clear to our delegation that



all conversation about this matter would be channeled through CNPPDH. When we persisted in seeking a meeting with the President and other high officials of the national and regional governments to convey directly to them the seriousness of the abuses we had found, we were told that a decision had been made to respond to us only through CNPPDH. We noted that on many previous occasions we had met with cabinet members and with leaders of the Frente Sandinista de Liberación Nacional (FSLN). We also requested interviews with the Auditoría Militar, with whom we had frequently met in the past. That request was also turned down.

We were informed by CNPPDH that our concerns had been the subject of discussions by Vilma Nuñez with the President and that he had ordered a special investigation on the merits of the cases we had submitted, including the lodging of formal charges where appropriate. A team of special prosecutors in the Auditoría had been formed and, according to Dra. Nuñez, staff of CNPPDH had been assigned to monitor their investigations. We were also told that the decision not to meet with our delegation was made in order to "lower the profile" of the problem, apparently because the government thought that highlighting it in the midst of difficult domestic and international negotiations (leading to the general elections of February 1990 and to implementation of the Central America peace plan) would disturb the government's bargaining position.

We expressed regret at this decision as it pays undue

attention to the public image part of the problem. The government of Nicaragua must take responsibility for the creation of the problem. The degree to which the abuses that its agents engaged in will stand in the way of its other goals can be diminished by the degree to which it makes good faith efforts to prosecute those responsible and thereby end the abuses.

As discussed in detail later in this report, the Government has produced investigations, prosecutions and punishment of some agents. This, and the fact that the number of new cases in Region 6 has declined sharply in recent months, is the best result of our efforts so far, though our evaluation is necessarily preliminary at this point.

#### IV. The Public Response

Over the past year, Americas Watch has received numerous requests for information on this subject, as well as letters and telephone calls questioning our methodology and our findings. These critics by and large have repeated the arguments set forth by CNPPDH. We have been criticized for failing to take into account "the context" in which these abuses have taken place. Regrettably, this appears to us as an attempt to justify these crimes or to exculpate those responsible. In many countries, civilian and military leaders have criticized us for failing to understand "the context": officers angry because of the deaths of their comrades-in-arms; prosecutors and judges with poor training and lacking in resources; rebel forces that themselves do not have clean hands. In Nicaragua and elsewhere, we will continue to describe the circumstances as fairly as possible, and we will accept no excuses for murder, torture or disappearances; nor for the State's failure to meet its obligation to act promptly and efficiently to investigate, prosecute and punish such acts.

On the other hand, our public condemnation of the killings in Region 6 has generated unusual mentions from quarters where we have been frequently criticized in the past. For example, The Washington Times, a newspaper which has tirelessly advocated the overthrow of the Sandinista government, and which has published attacks on Americas Watch, cited Americas Watch in an editorial in support of contra aid on April 17, 1989. Similarly, Morton

Kondracke, a columnist for The New Republic who has attempted to expose Americas Watch as an organization with a liberal bias, found it expeditious to cite our findings in an article advocating more aid to the contras.\*

Republican Congressman Robert Dornan, who is given to rhetorical excess, twice inserted comments in the Congressional Record calling Americas Watch "...a left-of-center group but fairly decent." We are not concerned with such labels; nonetheless, we feel the need to distance ourselves from the characterization Dornan makes of our findings, when he calls the pattern we describe here "...a mini-genocide" by the "nine comandantes."\*\*

It appears that the killings in Region 6 have become an argument for repudiating the Tela accord of the Central American presidents for the demobilization of the contra forces.\*\*\* We regret this, above all because those making this argument and

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\* "Look out, Gringo," The New Republic, September 4, 1989.

\*\* "Americas Watch, which is a left-of-center group, but fairly decent, they say that there is now a policy of killing hundreds of civilians in the northern part of Nicaragua because they might feed Contras. If they ever come back in the country. That is a kind of minigenocide by these Communist thugs, the Nine Comandantes." Congressman Robert Dornan, R-California, The Congressional Record, July 19, 1989, p. H3892.

\*\*\* See for example, "Democrats Double-Deal on Nicaragua" by Senator John McCain, The New York Times, August 24, 1989, and "Don't Expect Glasnost from New World Marxists," Penn Kemble and Robert S. Leiken, The Washington Post, August 25, 1989.

seeking further funding for the contras neglect to point out that the contras have continued to kill civilians or prisoners placed hors de combat, and that their leadership has ignored our inquiries about killings by their forces. (See Section VI of this report).

Americas Watch favors the demobilization of the contras because of their own record of gross abuses of human rights. Such abuses have been endemic to their method of waging war. Concern about abuses of human rights by the Nicaraguan government cannot justify support for forces that are themselves guilty of such severe abuses. Americas Watch attempts to expose abuses regardless of which side in such a conflict commits them. We condemn those abuses, and we bring pressure to bear as best we can to end such abuses. It is anathema to us, however, to see our findings used in an effort to bolster the cause of other forces that themselves practice gross abuses.

## V. The Government's Investigations

### a. Summary of the information received

In September 1988, the government of Nicaragua responded to four cases involving eight victims that we had discussed in our August 1988 report that form part of the pattern of killings of suspected contra collaborators and contra couriers.

With respect to the 79 cases we submitted to the Nicaraguan government between October 1988 and June 1989, the government provided information, as stated above, in Managua in August and September of 1989. These 79 cases included 65 killings. With respect to 51 of these killings, we believe that our research turned up convincing evidence of an unlawful killing, apparently by agents of the State; and 14 in which our information is less complete but which we submitted to the government to investigate because of the detailed nature of the testimony that we obtained.

Similarly, of the 14 disappearances that we discussed in our submissions to the government, 13 were cases in which the evidence we gathered seemed conclusive to us and one which we consider to be a "possible" disappearance.

In August and September 1989, the Nicaraguan government replied in writing about cases of 28 killings, three disappearances and one wounding. In six of the cases, DGSE or EPS agents had been convicted for murder and sentenced to prison terms. In addition, the government informed us that warrants for the arrest of security agents had been issued in three other cases

of killings and one of a wounding but the suspects had not yet been apprehended.

So far as the remainder of the cases to which the government responded, the breakdown is as follows:

- In two cases, civilian defendants are charged with or are being tried for murder (our witnesses had identified the culprits as military, but the government says they are not);
- In eight cases, the government's investigation concludes that the victims died in crossfire;
- In three cases, the victims are said to have been killed while escaping arrest;
- In three cases, the victim's existence had not been conclusively established;
- In two cases, the murders had been established, but the identity of the perpetrators had not;
- In one case, the death in custody of the victim was said to have been caused by drug abuse;
- In one murder case, the defendant was acquitted because of insufficient evidence (though he was convicted in two other cases and sentenced to 30 years in prison);
- In two cases, the person alleged to have disappeared was located alive (one of these involved a case with multiple victims; the government said the investigation of the rest of this case was continuing); and
- In one case, the government seems to have misidentified the

victim.

At our August meetings, the government presented us with documentary evidence and a letter, dated July 31, 1989, summarizing the findings up to that point. At the end of that letter, CNPPDH states that investigations are well under way, and have achieved some initial results in several additional cases involving seven individuals, plus the case of Ubú, Zelaya Norte, discussed in our August 1988 report, involving multiple victims. These cases include two of those in which the government claims there are outstanding orders of arrest against security agents. We have been promised information and documentation on these cases as it becomes available.

b. Prosecutions

Miguel Angel Ramírez Dávila, killed September 2, 1988; Martín Martínez, killed October 9, 1988; and Adrián Zeledón Centeno, killed October 8, 1988. The victims were accused contras supporters. The Auditoría Militar has concluded that the head of the DGSE in Pantasma, Francisco González Siles, a.k.a. "Chico Tiro," and an EPS agent, Juan Ramón Mairena Chavarría, were responsible for these murders. Both were acquitted at a military trial for lack of evidence in the Martínez case. González Siles was convicted of murder in Ramírez and in Zeledón, and sentenced to 30 years in prison, the maximum under Nicaraguan law. Mairena was found guilty also in Zeledón, and sentenced to 15 years. We had discussed these cases in our March 1989 and April 1989



letters. The Ramírez and Martínez cases were featured in front page articles based on our findings and press interviews with relatives on April 16 in The New York Times and in The Los Angeles Times, as well as in Newsweek. The judicial proceedings were initiated on April 24, 1989.

Leonel Montenegro Hernández, killed November 18, 1988, in Santa Rita, Quilalí, Nueva Segovia. Luis Concepción Aráuz Flores, a member of the EPS, was convicted for this homicide. The court decision in this case states that the crime was motivated by a personal vendetta. He was sentenced to six years in prison. Mr. Aráuz denied any involvement in the crime, but the decision weighed circumstantial evidence showing that he was a long time enemy of the deceased, and that he had been seen, with a weapon, going in the direction where the corpse was later found shortly before some shots were heard. A brother of the deceased told Americas Watch that, according to other relatives in Santa Rita, Concepción Aráuz spent only five or six months in detention and is now free. We relayed the information to Dra. Núñez, but she assured us that Mr. Aráuz is in prison. Americas Watch is attempting to look into this.

In September, we visited the penitentiary at Matagalpa and asked to see Mr. Aráuz. We were told he was not there but was serving his sentence at a prison farm in Quilalí, near his home. Our schedule did not permit a trip to visit the prison farm.

The case was discussed in our April 1989 letter. Proceedings

were initiated on December 4, 1988, when the decedent's widow made a formal complaint. The decision was handed down on December 27, 1988, in Estelí.

Carlos Oliver Hulls Downs, killed in police detention on May 20, 1988, in Bluefields, Zelaya Sur. The military court filed charges against police officers Melvin José Dávila Sosa and Omar Amador Valle. Hulls, who had a long criminal record, died at a health care center on Corn Island; the nurses testified that he had several bullet wounds and that he said that the policemen had told him to run and then shot him. The nurses also said that they insisted on evacuating him to Bluefields because of his serious condition. Hulls Downs apparently died as a result of internal bleeding from one of his wounds.

Dávila and Valle were each convicted of intentional homicide, and sentenced to six years in prison. The original complaint had been filed by the victim's mother on June 1, 1988. Americas Watch discussed the case in our March 1989 letter. The Auditoría instituted formal charges on April 22, 1989. Rufino Aguilares, a lawyer who runs a legal assistance office in Bluefields, the Bufete Popular Minorías Etnicas, told us that he had seen Lt. Dávila Sosa in police headquarters, in uniform and performing duties, on August 3, 1989. Aguilares said that he had raised the matter with the Auditoría office in Bluefields, and had been told by the judge who convicted Dávila that this was because of "superior orders." The lawyer then raised the case at Auditoría

headquarters. He was told that Dávila was subjected to medidas cautelares, special precautionary measures. Such measures are apparently applied to some defendants in the course of proceedings against them, but not after conviction. Americas Watch has asked the government to explain why Dávila is not serving his sentence.

Sergio Molina, killed in February 1989 in El Uló, Río Blanco, Matagalpa. The military prosecutor charged Arán Molina Pérez and Félix Pedro Jarquín Martínez, both military men, with murder; Misael, Telésforo, Eulalio and Marvin Molina, all civilians, were accused of covering up the murder. The record shows that Arán Molina Pérez ordered Jarquín and the others to apprehend Sergio Molina, reportedly a courier for the contras, and "annihilate" him. The men did exactly that: they found the victim in a corn field near his home, took him a few yards away, and Jarquín shot him in cold blood. All the defendants confessed. The decision cites evidence offered by the Counter-Intelligence division of the DGSE that the victim was indeed a courier, and that he had been involved in contra operations in which Sandinista officers had died, one of them apparently Arán Molina's brother. The military judge labelled this killing an isolated act and contrary to national policy.

Arán Molina and Jarquín were sentenced to 16 years in prison; the four accomplices to 8 years each. We reported the case in our April 1989 letter; the proceedings began on May 20; according to the court's decision, Arán Molina was arrested on May 21 and Félix

Jarquín on July 4; the other defendants on July 3. We note that Arán Molina was also named by witnesses to other crimes interviewed by Americas Watch. We have not yet received responses on the other cases.

Santiago Nardo Arquello Montiel, killed on March 9, 1987, in Pijivay, near Nueva Guinea, Zelaya. We discussed this case in our August 1988 report. According to the court decision we reviewed, an investigation got under way on May 15, 1989 against Gregorio Rodríguez Miranda, a DGSE officer, and Rogelio Pérez Gutiérrez, Squadron Chief of an EPS Battalion of the 53rd Brigade. The document establishes that the two set out with troops to capture Arquello, who was known to be an active contra. They found Arquello working on a parcel of land, and shot him on sight from a distance of 25 meters. Both officers were sentenced to six years in prison, which they began serving, according to the court record, on May 15, 1989 and on June 4, 1989, respectively.

Felícito Peralta, killed in January 1989 in Matiguás. The case was brought before the First Criminal Court of Matagalpa because the defendants were all civilians. The record shows that Teodoro Gutiérrez Díaz and two other men went to Peralta's home, pretended to be contras, took Felícito away, and killed him about 500 meters from the house with their AK rifles and knives. The court heard testimony from several witnesses to the abduction. Teodoro Gutiérrez Díaz confessed that the three culprits had planned the killing, though he subsequently said he was unarmed

and a passive participant. The case against the other two defendants was dismissed because, during a dispute while intoxicated, they killed each other. The document made available to Americas Watch is an almost illegible copy of the decision by which the Court found Gutiérrez Díaz guilty of the murder, and ordered him placed securely in prison. It appears that the decision is an auto de segura y formal prisión, the equivalent of an indictment. Presumably, a full trial will follow. The document we have read provides no information as to a sentence. Dra. Núñez has told Americas Watch that it appears the authorities have apprehended two other suspects in the case.

On September 14, 1989, Americas Watch interviewed Teodoro Gutiérrez in the Matagalpa penitentiary. He related the facts of the case to us as they were described in the Auditoría record, claiming that he was forced to go along by the two culprits who killed each other in a drunken brawl. He is assisted by counsel and said he expected a resolution of his case in October.

We had discussed the case of Felícito Peralta in our March 1989 letter. The case was also discussed in the April 16 articles in The New York Times and The Los Angeles Times, as well as in the May 1 issue of Newsweek. The case was filed by the Prosecutor for Matagalpa on April 26, 1989.

Perfecto Torres, a.k.a. Ruperto López Acuña, killed on February 28, 1989. A prosecution is pending against Oscar Camacho Palacios, a former military man, before the Criminal District

Court of Jinotega, according to a certification by the clerk of that court dated June 30, 1989. The certification also states that Camacho Palacios has been in custody in the Matagalpa penitentiary since June 7, 1989. We were also given certifications by the Wiwilí Battalion of the EPS indicating that Camacho served in that unit in 1987 but was discharged for insubordination, so he decided to transfer to the Ministry of the Interior (MINT); and by the MINT office in Wiwilí, stating that the defendant belonged to MINT "auxiliary forces" during 1988, but not subsequently. The latter certification also notes that Camacho killed López Acuña on March 6, 1989, but asserts that he did so on his own and not as part of a MINT operation. We also have a copy of a decision by the Auditoría Militar to cease processing this case because there are no military defendants.

Dra. Núñez has told us that there has been no decision yet in this case. We have asked for a copy of the decision when it is handed down and for a copy of the indictment. The case was discussed in our April letter, which also cited Mr. Camacho as the culprit, according to our witnesses. In our meeting with Dra. Núñez, we mentioned that the witnesses we interviewed say that Camacho, his brother and a DGSE patrol, all uniformed and armed, were ambushed by the contras, and Camacho's brother was killed, the day before the murder of Ruperto López Acuña. Camacho and other DGSE agents returned to the scene, encountered López Acuña, and accused him of being the father of the contra responsible for

the ambush. Camacho shot López Acuña on the spot in front of his DGSE colleagues. Our information is that other members of the DGSE told the authorities about Camacho's role in the murder. Others who live in Wiwilí told us that Camacho was regarded by everyone in the town as a DGSE officer, and that he was armed and in uniform even after these events.

c. "Crossfire" cases

The case of Celso Herrera Carballo was reported in our March 1989 letter. The Auditoría went to the village in April 1989; the events had happened in July 1988. The determination by the Auditoría that he died in crossfire was based on the fact that he had been shot with weapons of war and his body was found at a place where there had been a military clash earlier in the day. There were no witnesses to the shooting.

The family insists there were no contras around. When Celso did not return home that night, the family was worried and went looking for him the next morning. His mother and sister found his body near the house. His watch, cap and knife had been taken; his arms and neck were broken, and he had been shot in the back, many bullets exiting the stomach; his intestines were out.

The copy of the court opinion Americas Watch received was poorly photocopied. It is impossible for us to tell whether there was an exhumation and forensic examination to help determine whether he died in crossfire or was shot at close range or mutilated.

Americas Watch's letter to the government included an inquiry about the disappearance the same day of Celso's brother, Félix Pedro. His mother had been at home when soldiers came to arrest him. The Auditoría interrogated family members and witnesses about both cases. We have received no information on Félix Pedro.

Asisclo Sevilla Duarte, killed on September 10, 1988, discussed in our March 1989 letter. On June 1, 1989, the Auditoría concluded that Sevilla, a civilian, was accompanying contra troops and was caught in crossfire when the EPS attacked.

Americas Watch had obtained two versions of how he was killed, in both cases differing from the Auditoría's findings. In one version, the DGSE had gone to his home on September 10, 1988, demanded to know his whereabouts from family members, found him and shot him three times in the chest in the yard of his home. Witnesses reported that they recognized one of the killers as Anibal Sevilla (known as "Chevallero"), reportedly a relative of the deceased, who at times passed himself off as a contra but was known to work with the authorities. According to the other version reported to Americas Watch, Asisclo Sevilla Duarte was taken about 50 meters from his home and hung. In this version Anibal Sevilla was also named as a participant in the killing; the crime was attributed to the contras; and the allegation that Anibal Sevilla was a relative was not mentioned.

The Auditoría record furnished to Americas Watch contains some comments by the fiscal (prosecutor) that do not inspire



confidence in the impartiality of the investigation. The fiscal asserts that the deceased "ignored the calls of our revolutionary government for campesinos involved in contra activities to give up and take the amnesty decreed by our government"; says "his conduct was not the most correct in a zone of conflict"; refers to "the tactic of the enemy of dressing up as a civilian" to try to "surprise our forces"; and says that the death is a "result of the war of aggression that Northamerican imperialism imposes on us using mercenary forces...."

Three members of the Fajardo family (a mother and her two daughters) were killed on September 4, 1987. We cited this case in our August 1988 report. The Auditoría inquiry was started on November 21, 1988. It concludes that the EPS and the contras exchanged fire during the night, and that the contras also fired at each other. The family says that the EPS shot at the house thinking the contras were there, but no contras were inside.

The Auditoría's opinion cites a sister of the deceased woman as confirming that there was combat. The rest of the evidence comes from the soldiers involved. The Auditoría's opinion does not comment on whether the troops violated their duty under the laws of war to minimize harm to civilians.

In the case of Leopoldo Blandón López, an EPS member was investigated but acquitted because the government determined that the death was in crossfire. The record cites other civilians as saying that there was a contra ambush, and concludes that Blandón

was hit by a stray bullet. We discussed the case in our April 1989 letter, and the inquiry was started on May 18, 1989. Jose Efrén Mondragón, a former contra field commander who accepted the government's amnesty in 1985, was killed on March 18, 1988 near the Honduran border. The body of his cousin, Alberto Acuña Mondragón was found at the same place. The case was discussed in our August 1988 report.

In a letter of September 13, 1989, CNPPDH concludes that there was no crime to be investigated as the deaths took place in the course of a firefight between the EPS and a contra contingent in which the EPS suffered one death and four soldiers who were wounded. Their names have been provided to Americas Watch. Acuña is said to have been the "executive assistant" to the chief of the "José Dolores Estrada" regional command of the contra forces, implying that he had resumed clandestine work for the contras. The only contra casualties reported in this battle were Mondragón and his cousin.

Americas Watch disagrees with the failure to pursue this case further. The Auditoría should obtain testimony about Mondragón's last few hours because, as we pointed out in our August 1988 report, we had information that he had been seen leaving his home with a DGSE agent. Also, we find it strange that the only contra casualties reported in this incident were both desalzados (former contras who turned themselves in for amnesty). We believe this case remains unresolved and requires further investigation.

d. Shot during "escape attempts"

Fidel Anastasio García Sevilla, killed on March 19, 1988. Americas Watch cited the case in our October 27, 1988 letter; the proceedings began on December 1, 1988 and the opinion made available to us indicates that information received from international human rights groups prompted the proceedings. The defendant was acquitted because, reportedly, García was killed when he tried to escape while untied to go the bathroom; he is said to have refused to obey an order to halt. The medical report says he was shot twice in the head, twice in the back and twice in the legs.

Félix Lago Soto, killed on March 6, 1988, reportedly while trying to escape from an infirmary of the 53rd Brigade in Juigalpa. The Auditoría found that Lago Soto had been captured in March 1988 in combat with the contras in Nueva Guinea, and that he tried to escape through a window in the health center. Unknown sentinels are said to have shot at him. The proceedings were instituted against two named soldiers; the Military Judge sternly admonished the prosecutor for naming defendants with no basis in evidence. The Judge found that the unnamed guards had acted reasonably in carrying out their duties, and that no crime had been committed. The case was discussed in our October 1988 letter, and the proceedings were held in January 1989.

e. Cases in which "the victims' existence could not be proven"

In the case of Jorge Alejandro Rojas Urbina, killed on March 17, 1988, the proceedings commenced on May 1, 1988. We cited the case in our August 1988 report. The case has resulted in no conviction, supposedly because the victim's existence could not be confirmed. In addition, the court decision that has been provided to us says that two witnesses, not further identified, say that the comarca La Mica does not exist. Americas Watch has raised several questions on this matter: the decision mentions the capture of two prisoners in the field but does not identify them. Also, the cousin of the victim gave the time and place of the crime and accused two military men, but there is no explanation as to why his testimony was given no weight. Dra. Vilma Núñez told us that the case remains open.

In our August 1988 report, we discussed the murder, on July 21, 1987, of Guadalupe García González, of comarca El Guarumo, in El Rama, Zelaya Central. On April 3, 1989, Auditoría investigators went to El Guarumo and found a Guadalupe García Calderón, who says he is the only Guadalupe García in the small comarca of between seven and ten houses, all inhabited by members of the García family. The witness gave a sworn affidavit in which he says the complaint could refer to a different comarca El Guarumo in the area of Nueva Guinea.

This case is a matter of public record because it had been presented by the Catholic Church to the National Reconciliation Commission based on what was said to be the eyewitness testimony

of the widow of the deceased. Americas Watch had cited the name of the army man allegedly responsible for the death, Pedro Reyes, in our August 1988 report. At this writing, we do not know the explanation for the discrepancy between the government's findings and the information we obtained but we believe the case warrants further investigation.

f. "Perpetrators not identified"

Valeriano Torres and Ignacio Fajardo (the latter was identified by his nickname of "Nacho Panza" in our October 1988 letter), were killed on August 24, 1988. On November 24, 1988, the Auditoría instituted proceedings that established that a man wearing uniform, rubber boots and a beard, shot at them as they were leaving a bar in La Esperanza, El Rama, Zelaya. Several eyewitnesses could not identify the culprit any further.

In our April 1989 letter, we reported the disappearance of Mario Espinosa Juárez, which took place on March 9, 1989. The investigation began on July 7, 1989. According to the investigators, the victim's wife found the body on May 6 in an advanced state of decomposition, after Americas Watch's letter was sent. He had been shot in the heart. In her statement to the Auditoría, Mrs. Espinosa said that his captors wore camouflage uniforms like those of the contras. Other family members publicly accuse the DGSE. (It is possible that in this and other cases, the conflicting statements may be attributable to fear.)

The case was dismissed for lack of evidence against any member of

the military, though it remains open in case further evidence is found. In her July 31, 1989 letter, Dra. Núñez added that there was evidence that Espinosa was a DGSE collaborator. Members of his family, however, told Americas Watch that the DGSE had threatened him and accused him of helping the contras and that the contras had never threatened him.

g. "Death from other causes"

David Mitchell MacLean (or Larry David Michel McKlin in another version of his name) died in custody in Bluefields on September 15, 1988. The case was reported in our March 1989 letter, and the Auditoría conducted an inquiry starting on April 27, 1989. It concluded that there had been no beating, and that the man had died of withdrawal from cocaine addiction 24 hours after he entered Sandino hospital in Bluefields. This conclusion was based on a death certificate issued by the Director of that civilian hospital, following a medical team consultation, based on the treatment of the patient before he died, that attributed the death to cocaine withdrawal. The decision of the Auditoría criticizes the forensic doctor for not having conducted an autopsy in time (or at all), which would have produced a more authoritative judgment on the cause of death. It also mentions two prior arrests of the victim for possession and consumption of marijuana and cocaine. Americas Watch has pointed out to Dra. Núñez that those prior arrests are far from probative of either addiction or the cause of death.

h. Disappeared persons reportedly located alive

Marvin Francisco Herrera Siles, disappeared on February 12, 1988. This case was discussed in our August 1988 report. He was reportedly found alive as a result of an Auditoría inquiry in July 1989, though the Auditoría did not interview him directly. The material made available to us consists of several sworn affidavits from relatives. They say that he was arrested on the date we had cited, taken to the DGSE facility in Las Tejas, Matagalpa, and released 23 days later. The DGSE did not acknowledge his detention at that time, so the family filed several complaints with authorities and with human rights organizations. According to the affidavits, he has gone to work with another relative in another town; two witnesses state they saw him as late as May 1989. A letter from the MINT in Matagalpa indicates that he fought with the contras for eight months in 1987, but gave himself up on October 2, 1987 in Muy Muy Viejo, Matiguás, and benefited from the amnesty decree. This would mean that he was held clandestinely for three weeks just three months after receiving amnesty.

In our conversation at the CNPPDH offices in August 1989, we stated that when prisoners are released, they should be placed in the care of some civilian organization to avoid confusion as to their whereabouts. We also called for an investigation of the behavior of MINT officials in Las Tejas who held Mr. Herrera in unacknowledged detention, in contravention of Nicaraguan law.

Pablo Manzanares Mairena, one of several victims of the

incidents in Ubú (or Bubú in some court documents provided to Americas Watch), has been found alive, according to information provided by telephone by Dra. Núñez in late August and subsequently given to us in writing. As in the previous case, he had been detained for a period. We have been furnished with sworn statements by Manzanares's daughter-in-law and wife confirming that he is alive and living in Ubú. Reportedly, he was absent at the time the interviews with his family members were conducted because he was out on an evangelical campaign. The witnesses confirm that he had been arrested and returned on his own saying that he had been held at La Patriota. His wife says that a unit of a Batallón de Lucha Irregular (BLI) took him away; she inquired about him with an officer in Matiguás, Armando Zepeda, but was given no information.

In our August 1988 report, we noted that his cook, María, was taken with him on September 30, 1987. Both witnesses confirmed this, but provide no more details because María had joined the household temporarily while Mrs. Manzanares went to care for other relatives. The documents we received make no mention of an investigation of the crime that consisted of holding Mr. Manzanares for a period in unacknowledged detention.

Again, we discussed the Ubú case in our August 1988 report. In Dra. Núñez's July 31, 1989 letter to Americas Watch, she cites the Ubú case, which involves 13 victims, as one in which CNPPDH has achieved some progress. Americas Watch awaits further



information on this case. One of the victims cited in our August 1988 report was Pablo Antonio Manzanares Lopez, 12, the son of Pablo Manzanares Mairena. We had reported that he was decapitated by the EPS.

i. Response to the Wrong Case

The July 31, 1989 letter from CNPPDH discusses the case of Reynaldo Rafael, who disappeared in Nueva Guinea in March 1987, along with the murder of Santiago Nardo Arguello Montiel. Dra. Núñez told us that CNPPDH believes that the two are one and the same person.

j. Investigations not yet concluded because the culprits have not been apprehended

Félix Manuel Rizo Martínez was killed in Matiguás, Matagalpa by two military men: Félix Pedro Ponce, a.k.a. "Retumbo," a DGSE agent, and Daniel Moreno. Americas Watch's letters indicated that our witnesses singled out "Retumbo" as the murderer. The Auditoría has issued warrants for the arrest of both men, but as of now they have not been apprehended and remain at large.

Court records furnished to Americas Watch indicate that "Retumbo" denied any knowledge of the victim when relatives inquired about Rizo's arrest the next day, but subsequently acknowledged the detention to a witness heard by the court and returned some belongings. A few days later, the body was found. A medical report indicates that two fingernails were missing on each hand, that Rizo's jaw had been fractured, there were other wounds,

and the cause of death was a four inch knife cut across the throat.

Rizo was arrested on January 27, 1988. The case was discussed in Americas Watch's August 1988 report. An investigation was begun in Matiguás on May 5, 1989 and a warrant for the arrest of Ponce ("Retumbo") was issued on May 28, 1989.

Gonzalo Gilber Picado was killed by Juan Castro, a.k.a. "El Gato," a DGSE agent, and Presentación Hernández, according to CNPPDH. Our letters had cited "El Gato," on the basis of what our witnesses told us, as responsible for various crimes. Here again, the facts have been established, and there are warrants for the arrest of the two men, who are also reportedly in hiding. In this case, Americas Watch has not seen court records.

Jose Molina López, 26, was killed at Ubú in May 1987. According to a court document furnished to Americas Watch, he was taken by several armed men from his home to a command post nearby where EPS member (rank not provided) Benito Castellón killed him. His corpse showed several wounds to the heart and a cut to the throat. The court heard several witnesses including a forensic doctor. An arrest warrant has been issued for Benito Castellón, who is no longer on active duty, but he has not yet been apprehended.

The investigation began on March 13, 1989 and the arrest warrant was issued on July 9, 1989. (The court document refers twice to the killing as having taken place on May 13, 1983;

Americas Watch believes this is an error and that the killing took place in May 1987.)

Guillermo Soza Velásquez, 40, was arrested by soldiers at his home in Apantillo, Zabalar, Matagalpa in December 1988, taken to the Pancasán garrison, threatened and wounded by a gun shot. We discussed the case in our April 25, 1989 letter.

According to the court record provided to Americas Watch, the arrest was by an EPS agent (rank not given), Teófilo Aguilar who was indicted on May 18, 1989. The record indicates that Aguilar handed over Soza to the Battalion at Pancasán and identifies another EPS member, Juan José López, as having interrogated, threatened and shot at Soza. On the basis of this testimony, the Auditoría dropped charges against Aguilar and, on September 2, 1989, issued a warrant to arrest López, who reportedly deserted the EPS.

On the basis of the evidence we have seen, Americas Watch is not in a position to comment on the appropriateness of dismissing charges against Aguilar. Proceedings have been suspended pending the apprehension of López. CNPPDH has said it will investigate the case further.

k. "Unresolved" Cases

Julio Aráuz was a deserter from the Army. The case is very vague and, reportedly it has been difficult to obtain evidence. The mother has said she does not know who captured him.

Ubú: CNPPDH and Auditoría investigators went to the village

and took statements from the residents. Dra. Núñez told us that she had questioned some decisions by the Auditoría investigators even before they had been completed, and that she expected further results soon. (see the Manzanares and José Molina López cases, above)

One of those killed at Ubú was Martín Pravia, 18. We had cited this killing in our August 1988 report, though we were not able to specify the date. In September 1989, we were informed that the Auditoría could only establish that he left his house and was later found dead, and that his relatives do not know how he was killed or by whom. The Auditoría inquiry in this case began on March 15, 1989 in Matiguás and the decision to suspend the inquiry for lack of evidence was reached on September 2, 1989.

Another killing at Ubú cited in our August 1988 report was of Heriberto López. We reported that he had been killed on October 9, 1987 by soldiers in front of family members. The Auditoría obtained testimony in Ubú from the evangelical pastor who said he had never heard of the case and from nine villagers who said they had never known anyone by that name. Accordingly, the case was closed on August 23, 1989. The Auditoría inquiry began on March 12, 1989 in Matiguás.

Juan Castro, "El Gato," is cited in testimonies Americas Watch obtained as involved in the multiple killings that took place in this village in 1987.

Félix Pedro Herrera Carballo, disappeared in July 1988,

brother of murdered Celso (see above). In August, CNPPDH promised information "soon."

Aldemar Gallegos Bravo: this is not a case of killing or disappearance, but of a severe beating by the military in early April 1989. There has been an acquittal in the case, but Dra. Núñez says that she is pressing for a reopening. The accused is Mercedes Pablo Cortés Baltodano, who was arrested, but no member of the military testified against him. Americas Watch pointed out that Gallegos identified some of his tormentors by nicknames, one of them being "El Canoso" (grey-haired). We understand that the victim was interviewed by Army investigators in July and provided many details.

Esteban Hernández Gutiérrez disappeared twice. We spent some time straightening out a confusion between the first and second disappearance of this young man. After the first, he was found at the Tutelar de Menores, a government house for orphans and wayward minors. Several months after the Tutelar returned the boy to his mother, allegedly in the company of his uncle, an accused contra, the second disappearance occurred. The case needs to be investigated further.

1. Killing of Auditoría investigator

Americas Watch has learned that an investigator for the Auditoría was killed on August 29, 1989 in Rosita, Zelaya while on duty investigating a case, apparently one of those reported to the Nicaraguan government by Americas Watch. The murdered investigator

was Héctor Chow Rodríguez. At the time, he was taking into custody an EPS officer, First Lieutenant Rodolfo Vallecillo Martínez. They were attacked by unknown assailants on the road between Rosita and Puerto Cabezas; the file of the case Chow was investigating was stolen. Reportedly, Lieutenant Vallecillo was also killed by the assailants.

As the Nicaraguan government is no doubt aware, the integrity of its efforts to bring to justice those responsible for the human rights abuses that are the subject of this report is threatened by this killing. Americas Watch expresses regret over the murder of Héctor Chow Rodríguez and calls for a vigorous investigation and for prosecution of those responsible for this killing.

m. Comments by Americas Watch

Though Americas Watch believes that further investigations and prosecutions are required, we consider that the efforts made to date indicate that our inquiries have been taken seriously. We expect additional results in the near future: that is, we expect more cases to be clarified and more guilty parties to be punished.

The government's investigations have, apparently, run into some difficulties and lack of cooperation from the military and security forces, including the killing of an investigator for the Auditoría. Given the esprit de corps to be expected in any military force, particularly during a continuing war, this is not surprising. Moreover, we recognize a tendency in bureaucracies to cover-up evil deeds and to avoid serious inquiries into the way

business is conducted. That those obstacles have been overcome, in some cases, does not mean that they have been eliminated. Accordingly, we believe that it is all the more essential that top officials of the government of Nicaragua should demand aggressive and honest investigations and full cooperation with those investigations by the military and security forces.

We are troubled that, in some cases, undue leniency seems to have been shown to military and security agents who have committed serious crimes. As noted above, we are aware that, in the past, agents found guilty of crimes and sentenced to prison have benefitted from unpublicized decisions abbreviating their sentences, lenient ways in which to serve those sentences, or outright pardons or commutations. We recognize the powerful incentive for this leniency that is created by the amnesty for contras who give up the fight, by the release of most of the National Guard prisoners, and by the probable impending release of the remaining prisoners convicted of contra activity. As we have stated on other occasions, Americas Watch believes that those who committed torture and murder, whether contras or Sandinistas, deserve punishment so long as they receive a fair trial.

We insist on punishment because we believe a society has the obligation to uphold its own norms. When society punishes, it signals to all that the rules against murder, torture and disappearances are valued so greatly that those who infringe them must be made to bear the consequences. Also, it signals respect

for the worth and the dignity of their victims. Leniency in these cases signals the opposite: that those norms do not enjoy particularly high standing; that they may be breached without any serious consequence; and the victims are of no consequence. Again, our information suggests that in some cases punishment has not been implemented as imposed. It is particularly distressing to learn of cases in which those convicted of gross abuses remain on active duty, or have been restored to active duty, following conviction. If that information is confirmed, we believe it tends to negate much of the encouraging news reported here.



## VI. Killings and Kidnappings by the Contras

The research Americas Watch has undertaken in rural areas in the past year also produced information about several cases of executions and kidnappings which are attributed by our sources to the Nicaraguan insurgent forces known as contras. The issue of News from Americas Watch reproduced as an appendix to this report discusses some of those cases. In addition, we wrote letters to the leadership of the Nicaraguan Resistance submitting to them new cases and requesting an investigation. Translations of those letters, dated April 30, 1989 and June 15, 1989, are also reproduced as appendices to this report. We sent copies of these letters to the Asociación Nicaraguense Pro-Derechos Humanos (ANPDH), the organization funded by the United States government as part of its military and political assistance to the contras.

### a. Summary of our concerns

Americas Watch's previous calls for investigation of contra abuses in the period since our August 1988 Report involved 19 murders (7 in 1988, 8 in 1989 and 4 in which the date was unknown or uncertain) and 37 kidnappings (30 in 1988, 2 in 1989 and 5 on unspecified dates). In addition, Americas Watch investigated several cases that we have not submitted to the contra leadership previously but which we are submitting to them at this time and which we describe in the following paragraphs:

1. On March 10, 1989, a contra group captured Pedro Moreno Madrigal, 22, and Brígido Espinosa, 29, from the Guanacastal

cooperative farm, just a few kilometers west of Matiguás, and summarily executed them.

2. On May 13, 1989, the contras executed Eleuterio Martínez Huete, 27, in Ponsonia, Matagalpa, reportedly because he was a DGSE agent.

3. On May 31, 1989, a contra task force operating near Cuapa, Chontales, killed José Patricio Aragón Zeledón, 20, in the village of Kilala. Two other men who were with him, José Adán Leiva Murillo and Juan Francisco Olivar Sánchez, were stabbed by the same group and left for dead, but they survived.

4. Hidalía Orozco Blanco, a 19-year-old woman from Apantillo, was kidnapped by a contra contingent on December 26, 1988.

5. Gema Velásquez Nicaragua, 16, was captured by the contras in May 1988 on a rural road between El Cacao and Santa Bárbara, Jinotega, forced to walk to Honduras, and held against her will until March 1989 when she was allowed to leave a camp in Honduras and return to Nicaragua. More details on this case are offered below.

The new cases we are now submitting to the Resistance leadership involve four killings, two woundings and two kidnappings. We note that we have not reported cases in which the evidence available to us suggests no violation of the laws of war, even though the acts would still be violations of Nicaraguan domestic law. We refer, for example, to cases in which the person killed was armed, or where the kidnap victim seems to have joined

the contras voluntarily. We are also familiar with cases reported by Witness for Peace (WFP), an organization of United States citizens who have established a long-term presence in many conflict areas of Nicaragua. WFP has publicized many more cases. We have not been able to confirm each of the WFP cases, but in those cases where we have spot-checked WFP information, our research confirms their findings.

b. Releases of kidnap victims

In March 1989, for the first time since the beginning of the war (so far as Americas Watch is aware), the Resistance allowed foreign visitors to enter a training camp in Honduras to interview some "recruits" in private, and then allowed some of those recruits to leave the camp. This was accomplished by Drs. Susan Cookson and Tim Takaro, two American physicians who had lived and worked in Jinotega for a few months under a field program of the Unitarian-Universalist Service Committee. Some young people from Jinotega who had been trained as health care promoters by the doctors were kidnapped in 1988. Among those kidnapped was Gema Velásquez, whose case is discussed above, who was visiting relatives in the area when she was abducted.

Drs. Cookson and Takaro, accompanied by free-lance journalist Larry Boyd, went to the Honduras border camp in Yamales, a contra military base, and insisted on interviewing a list of people from Jinotega. They were assisted in this effort by Marta Patricia Baltodano, head of ANPDH. They were able to see some of those on

their list in private, and most of them said that they wanted to leave and return to Nicaragua. When they returned the next day, some had changed their minds after overnight meetings with the camp leadership. With Ms. Baltodano's help, they insisted on new private meetings. The man in charge of the Yamales camp, a "Comandante Franklin," finally relented and allowed the men and women to be interviewed by ANPDH and the doctors, and to express freely whether they wanted to stay or leave. Gema Velásquez and three others chose to leave with the doctors or with Ms. Baltodano; they were taken to Tegucigalpa, and repatriated to Nicaragua with the assistance of the United Nations High Commissioner for Refugees.

An Americas Watch researcher interviewed Gema Velásquez in Managua in July 1989. She told us that she had been kidnapped, was forced to march to Honduras, and was held against her will in Honduras. In addition, she told us that her captors had tortured and mistreated her, both during the march and in Honduras.

Gema Velásquez was kidnapped by a squad called "Guillermo Castro," a.k.a. "Los Tigrillos," led by a "Comandante Solinchele." On the march towards Honduras, they frequently threatened her and refused to allow her to return home. During the march she was interrogated about Sandinista connections of her family, and occasionally beaten on the back to make her keep walking.

Upon arrival in Honduras she was again briefly interrogated, but not held, other than being restricted to the base. Thirty days

later she was taken to a base called "El Estratégico," where "Comandante Setado" of the contra high command accused her of being an infiltrator (even though she had been kidnapped). A "Comandante Joel" of counter-intelligence blindfolded her, tied her hands behind her back and interrogated her. She was placed in a cell, where she said she was beaten and kicked when she did not give the right answers. They also placed a rain poncho tied tightly over her head so she could not breathe while they interrogated her. She was supposed to nod "yes" or "no"; if they liked her answer, she could breathe. In the course of an hour, she said, they repeated this procedure four times for about five minutes each time. They also pointed a pistol at her, and shot it near her head. Later, she was placed in a cell with some twenty other women, one of whom was only ten years old, and another pregnant. Her captors took her out for interrogation several times over the next four days, blindfolded and handcuffed, but did not beat her. On the fourth day, she was first allowed to eat.

She spent 15 days in the cell and then was turned over to the contra Military Police, under the command of "Comandante Tanguita," where she received much better treatment. She remained a prisoner, with other women, for a month and a half. Together with eleven other women, she wrote a letter to "Comandante Mack" of the high command protesting their detention and complaining of their mistreatment by "Joel." The women alleged that Joel had raped one of them. In December, they were interviewed by North

Americans, probably the General Accounting Office (GAO) team that prepared a report on human rights abuses by the contras. After that, she was interviewed by "Comandante Mike Lima" who was very upset that the women had talked to the American group. During the interviews with the American doctors, in February and March, she was heavily pressured by the contras not to leave. They told her that the Sandinistas would suspect her and interrogate and torture her if she went back. In late June, three months after her return, the DGSE did go to her house and ask to talk to her; her mother told the DGSE that she (the mother) would respond to any questions.

c. The Resistance's response

None of our letters of inquiry to the Resistance have been answered. With respect to kidnappings, after the Cookson-Takaro mission was reported in Washington, a number of groups requested a meeting at the State Department in which Americas Watch took part. At that meeting, we asserted that the State Department had a responsibility to make sure that contra combatants are strictly volunteers. Subsequently, Marta Patricia Baltodano visited our Washington office and assured us that attempts were being made to provide regular access to the camps by international organizations such as the UNHCR and the International Committee of the Red Cross. She also told us that the present contra leadership favors this, but that the main obstacle now is the Honduran Army. With respect to our letters about other cases, she told us the

incidents we described were all under investigation.

A related matter is worth noting here. In 1988, as in the case of Gema Velásquez, as related above, prisoners held by the contras in Honduras told investigators for the U.S. Agency for International Development (AID) and the General Accounting Office (GAO) that they had been raped and tortured by their captors. This investigation was undertaken in connection with a review of the way that Congressionally appropriated funds are being used; it prompted an inquiry and trial by the Resistance's internal disciplinary mechanisms. On March 24, 1989, a Resistance military court found José Benito Bravo Centeno, a.k.a. "Comandante Mack," and five other contras, guilty of murder, rape and torture of suspected Sandinista infiltrators in the base camps in Honduras. All were sentenced to expulsion, the stiffest penalty in the Resistance's code.

Four days later, the contra high command signed a letter defending Bravo and refusing to suspend him pending the appeal of his sentence. This prompted a State Department official, Deputy Assistant Secretary Cresencio Arcos, to go to Yamales to tell the contras that U.S. aid would be cut if "Mack" was not suspended. (Subsequently, Arcos was appointed Ambassador to Honduras; Americas Watch will attempt to determine what actions he has taken from this post to follow up on his effort to see that justice is done in this torture case.) The contras agreed to suspend him pending appeal, but then allowed him to continue performing his

duties. On July 28, the Resistance announced that Bravo had been reinstated as Chief of Intelligence of the general staff after a four-member appeals board reversed the lower court's decision. A member of the ANPDH has been quoted as saying that the appeals process had "irregularities" and that ANPDH believes the decision to reinstate Bravo is incorrect.\*

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\* "Suspended in death probe, contra is now back at post," by Ann-Marie O'Connor, The Miami Herald, August 7, 1989.



Cases of alleged Sandinista abuses in Nicaragua not presented to the government, gathered from letters 450, 451, 471, 477, and 478, and not cited in the 21 June 1989 letter to Ortega. Compiled by Cliff Rohde 10/31/89.

#### Letter 450

1. Adolfo Chavarría Blandón, ex-contra who was amnestied in November 1987, killed in police or DGSE custody, Esquipulas, Matagalpa, June 12, 1989.

Adolfo Chavarria Blandon, an ex-contra who gave himself up and accepted the amnesty in November 1987, was arrested in Esquipulas, Matagalpa on June 2 and was last seen alive in police custody on June 12. His badly beaten body was found on June 14 not far from the town. The contra has not been in this area for quite some time. Apparently the local Maryknoll priest, Dan Driscoll, took up the case with the authorities in part because he encouraged the victim to accept amnesty.

I interviewed his wife Dionisia Hernández de Chavarría, 36, on July 3, 1989, in Miragua, municipio of Esquipulas, Matagalpa. Esquipulas is one and a half hours south of Matagalpa, and Miragua is right on the road from Esquipulas to Muy Muy, about 20 minutes from Esquipulas.

To locate her (I was told about an article in La Prensa about the death of her husband), I went to the parish house, where I found Jack Martin, a Maryknoller. He did not know much about the case; the father in charge of it, and in charge of bringing it to the attention of the Frente, and the local junta, is Dan Driscoll. I had heard his name; Jack said he had been the head of the Maryknoll Peace and Justice Committee.

Jack was unenthusiastic about the case, having been in Nicaragua only three months, and coming from three years in the Salvadoran refugee camp Mesa Grande in Honduras, where he had been arrested. He is very pro-Sandinista and never once mentioned that the authorities had killed someone. When I went back to the parish house to make a contribution<sup>1</sup> that they could give to the pregnant widow and mother of 10, he refused it, saying that there were so many people in need, and they would see that she got some of the rice and beans that they were going to distribute. Of course there are many poor people, but relatively few are in that condition because the government had killed the principal breadwinner.

The deceased is Adolfo Chavarría Blandón, 47. His wife, who still lives in the shack (walls of branches of wood that have gaping holes between them) he built, said that they lived for about 18 years near El Anzuelo (up near Apantillo). Her husband joined the contra and fought with them for about a year.

Then he left the contra, in order to support his family. She

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<sup>1</sup> I try never to give money directly to people so that they will not associate the telling of their story with the money, or think that human rights monitoring groups routinely give out money to victims.

was living with their children and her mother, and they had no money and were very poor, dying of hunger, his wife says. He accepted the amnesty and received a safeconduct pass signed by Tomas Borge. He gave himself up through the local Peace Commission in November 1987, and was helped to give himself up by Father Dan Driscoll, a member of the Peace Commission. He had known Father Dan before. He gave himself up in the Esquipulas area, and the family then moved from El Anzuelo to Esquipulas to live there. Dionisia has at least two brothers in this area. She does not know of any other amnestied men living in this area.

They built the current shack that the family still lives in, and farmed on rented land. They received no assistance.

Mr. Chavarría apparently was taken into custody in connection with a dispute over some trees (poles, really) that he and his son Miguel Angel Chavarría Hernández, 17, and his brother in law Eletereo Hernández, were cutting down with the permission of the son of the owner. They were going to use the poles to build a shack for another brother of Eletereo.

Two Sandinista Police, Mario (Roqueta) and Javier, came to Chavarría's house at 6 am on June 2 and took him off to make a statement in connection with the case. They were looking for his son as well, Miguel Angel, who was not there, but they found Eletereo Hernández. The two police were accompanied by the complainants, Alberto Zúñiga, a friend of the owner who lives nearby, and Espinoza, the owner.

After the two were jailed, Mrs. Chavarría borrowed 150,000 córdobas (about \$6 at the current rate) and paid off the cost of the wood. The amount taken was 10 poles.

After seven days, Eletereo was let out. However, on June 10, Mrs. Chavarría was told by Mario (the same policeman who came to arrest Mr. Chavarría) that her husband was in the hands of the DGSE and they did not want to release him. Mario did not say why.

She last saw him on June 12, when she went to take food to him. He started to complain to her that he was being interrogated, but two police came up beside him and would not let him say anymore. He was escorted away. She saw him for only five minutes that day.

The next day, June 13, she sent one of her sons to Esquipulas with the food for her husband. He was told that his father was full and did not need any food; he was not there, the boy was told, and by now was probably loading up his horse with wood. The police gave him back the food for June 12, as well, and the blanket the prisoner had.

Mrs. Chavarría began to get worried when he did not return home.

On June 15, a Thursday, the same two police, Mario and Javier, came to her house at about 11:30 am and asked her to go to recognize the body of her husband. They said that he had left jail and stepped on a mine near the Bopal bridge.

She went to Esquipulas and from there with two compas (military) to the place where her husband's body had been found. It was not near the bridge, but in a ravine near a pasture in the farm of Agustín Espinoza, far from the bridge.

The body was on its side, and the arms were broken. The head

was all bruised and bloodied, as if he were beaten to death, she thought. The left side of his neck was all inflamed. His testicles were also inflamed. He was naked, with only underwear on, and was not tied up. He had on no shoes.

When she saw the body, she was with only two soldiers. She was later told that one of them was a health worker (sanitario). There is no doctor in the town and presumably no autopsy was done.

His body was next to a river, on the sand. The next day, people helped her move the body and bury it in the cemetery near their house. Many people saw the body.

Father Dan said the mass.

She was told that a woman found the body when she went to wash in the river. But there were no washing stones near the body. She later heard that the woman, whose name she does not know, was arrested and then let go.

The police have not had any contact with her since the day they came to ask her to identify the body. No other authorities came to see her to investigate the case, either.

Apparently, Father Dan made an issue of it locally, and is probably responsible for denouncing it to the ICRC, which came to interview her, and to La Prensa. He told her that they could not bring her husband back to life, but they could prevent them from killing any more people.

He said she should denounce the case. She is willing for us to use her name.

She thinks he was killed because he had been with the contra. He had no problems with the police before, and no enemies.

NOTE: we should recommend that the police and DGSE, etc., only release prisoners to the custody of a neutral, such as the ICRC, a local church official, or the like, who can sign that he has received the prisoner alive. This will go a long way to preventing the DGSE and police from saying they have "sent him home" when in actuality they have killed the prisoner. This procedure has been most helpful in El Salvador, although it is not always followed.

2. Two young men killed escaping from the draft, Somoto, June 1989: I hope that Juan and I can look into this case when we go to Nicaragua in August. I understand from those who have investigated it that it the version that appeared in La Prensa is essentially correct.

2. Norberto Tremiño Toruño, 25, amnestied ex-contra, killed April 20, 1989, El Pavón, Matagalpa, together with Inés Sevilla Pérez; by "compas." Norberto's father Juan Ruíz Castro, killed October 30, 1987, in El Pavón, Matagalpa, by compas.

Source: Interview with Estella Tremiño Toruño, 48, wife and mother, in Rio Blanco on July 5, 1989.

Background: Two deaths in the family, that of her husband and her son, a year and a half apart.

Norberto Tremiño Toruño, 25, is an ex-contra who received amnesty. He had been half-way recruited by the Guard in 1983 and was with them for a while (his mother says only six months),

fighting, until he got sick, mentally ill. (Manicomia) He left the contras and was taken by his brother Omar to Managua for medical treatment. On the way back, in Matiguás, they were stopped by the military to see their identification papers, but they were not jailed, in part because he was mentally ill.

Norberto's brother Omar and his cousin went with him to ask formally for amnesty and he was granted it.

#### Killing of Juan Ruíz Castro, October 30, 1987

Mrs. Tremiño's husband was Juan Ruíz Castro, 47. On or about October 30, 1987, he was robbed and killed at his farm in El Pavón in the presence of Norberto, the amnestied son. She believes armed militia coop members killed him.

He had had six million cordobas with him when he went to town earlier in the day, and she believes that the inhabitants of the nearby coop he passed by saw him with the money.

That night, he and his son Norberto were at the farmhouse and a group of men came, saying they were the Guard. When the men would not open the door, they forced their way through a window. They shot at the men and killed Juan, took the radio and the money they had (only 62,000 by that time), and fled. Norberto apparently yelled back at them "viva el FSLN" and this partly scared them off, according to her.

She says that a man known as Cabeza de Lata, or Vicente, was jailed in connection with this killing, but he escaped while handcuffed.

#### Attempted robbery October 28, 1988 and killing on April 20, 1989 of Norberto Tremiño Toruño

On October 28, 1988, Norberto was at the family farm in El Pavón with the cook Toña Dávila (his woman) when at 9 pm some men came, passing themselves off as Guard. They demanded that he open the door of the house. He ran out the back and shot at them, and their shots hit him in the hand. He got away. The last two fingers on the right hand remained immobile, bent.

After he returned to the house, the DGSE sent for him. He was kept for 13 days in jail while they investigated the matter. At the same time, his mother's cocuñado Juanillo Rodríguez was taken prisoner. her son in law Alberto Díaz Sosa was captured and held for three months.

On April 20, 1989, at about midnight some men came to the farm at El Pavón, passing themselves off as contra. Toña was there and Norberto as well. They said they were the Guard, and demanded that the occupants get up and leave the house. At this time, there were very few contra around Rio Blanco, although there were a few. Their presence had been significantly reduced over the past year.

There were eight men in uniforms and armed, with a radio. They were compas, according to Toña. She did not recognize the eight men. They had with them a farmhand, Felix Zamora, and another man she did not know, a neighbor, later identified as Inés Sevilla Perez.

They had Norberto's name on a list and shoved him as they took him away.

Toña followed for about 200 meters and they told her to go

back and to look for him tomorrow in Rio Blanco. They tied him up with his hands behind him, and took him off only in shoes and pants, without a shirt.

The next day, his body and that of Inés Sevilla Perez, 30, who lived in the next farm, were found together (about 30 meters apart) about 300 meters from the road and 500 meters from the David Tejada cooperative.

Norberto had a shot in the forehead and one in the temple and a bayonet in his houth. His teeth and right hand were broken. His sister Yolanda prepared the body for burial and told her mother this. Inés was shot and his throat cut.

Felix was released unharmed. He is now with Norberto's sister Yolanda at her farm in Wanawana, on the road to Paiwas, about an hour from Rio Blanco. (I did not go to interview them there because a few people warned me about lots of armed daylight robberies on that road, although I did go down that road two years ago when there was only the contra to worry about. Sorry.)

The police came to investigate the case and said there were three in jail.

The mother thinks that the cause of the deaths are the people who live at the David Tejada coop, which is of 2000 manzanas and adjacent to the Sandino coop, 1000 manzanas, which is adjacent to her now-abandoned farm. She says that they denounced Omar and Norberto as DGSE to the contra, and when the contra did not do anything, they denounced them as correos to the DGSE.

In general, the people around Rio Blanco now complain vociferously about the rash of armed robberies in the daylight that are occurring around the town. They tend to blame the militia and soldiers, because they are the only ones authorized to bear arms; ordinary campesinos, who are not part of a coop and who are the victims of these robberies, are not armed. The contras are in greater number around Rio Blanco now than they were in April; they are closer, as well. Although some people have been jailed for the robberies, there is no end of them, and the authorities seem to be unable to stop the crime wave.

3. Jesús María Zeledón Amador, 17, shot dead by EPS on November 25, 1988, in La Libertad; brother Justo Edis Zeledon Amador, then 21, was shot by EPS on May 8, 1980, in La Libertad.

Interview with mother Nestora Amador Ramirez, La Libertad, July 7, 1989. She was introduced to me by delegado Rafael Obregón, who was introduced to me by the French priest, Father Miguel, stationed in La Libertad (with jurisdiction over 70-80 square kilometers of dense contra country in the heart of Chontales). Father Miguel was in Argentina for 11 years until 1979 and worked in a group called Catholics against Torture in France in the last few years. He has been in Nicaragua and in La Libertad for 20 months. He says there are only eight priests for the entire Chontales/Rio San Juan area.

I interviewed Nestora with her three grandchildren where I found her, in the cemetery outside of La Libertad, until it started raining too hard and we moved into my car; Nestora says that she has lost two sons, to "them," the government soldiers.

The most recent death was that of Jesús María Zeledón Amador,

17, on November 25, 1988, in La Libertad. He was in the army and coming home when soldiers in a WAS saw him and his friend, and shot at them, probably thinking they were AWOL; the shooting was witnessed by neighbors who were later told by the police to keep quiet. Nestora did not want to give their names and is afraid they will get in trouble; the delegado talked with the witnesses, who told him the same story.

Jesús María was captured (recruited for the draft) several months before his death, coming out of a dance held at the Casa Sandinista in La Libertad. "That's why they have the dances, to grab young men," sniffed his mother. They grabbed him and a friend coming out of the dance at 1 am and held them in jail for three days in La Libertad, and Alonso, the head of the command post in town, would not tell his mother why they were being held. He just sent her to the person in charge (responsable) who asked her to bring in her son's birth certificate, so she guessed he was being drafted.

She and Fidelina Lazo, the mother of the other boy grabbed at the same time, Humberto Lazo, tracked them to Santo Tomás (about 20 km away), where there is a military base and the young men are trained. She saw him at a bus stop in Santo Tomás. He came home to see her on three different times; he said he had permission to do so. Among other things, he asked her for another blanket -- he had lost two others she had given him.

On November 25, 1988, three shots were heard in the neighborhood. She did not go see what was happening; this was about noon. At about 2 pm, the head of the mothers' committee (perhaps the mothers of heroes and martyrs, but she was not clear) and the judge/mayor came to her house to tell her that her son had just been shot by the contra.

Nestora was extremely angry, since she had just been to the Casa Sandinista to find out about the shots (she had a bad feeling) and had cursed them out for not knowing anything. She said they knew plenty when they went looking for the young men to draft. She asked them why they did not just line up all the young men and finish them off at once.

The judge/mayor (she is unclear) turned the body over to her and she demanded that they take the military clothing he was wearing off with them; she did not want it.

The judge told a family member that this happened because the boy came home.

A responsable, by the name of Buena (a dark man from Santo Domingo), told her that he and other military men were in a military truck. They arrived just after her son had been shot. He was still alive but dying on the ground. When they arrived, a WAS was already there.

He offered money (as assistance) to the mother but she refused to take it.

Missing witnesses: with her son at the time he was shot was Letsi, the son of Enrique Alemán, also of La Libertad. He was also a draftee. Letsi, according to her, was arrested and is now serving in a remote zone. No one has been able to talk to him.

The couple who lives near the site of the killing, which is just outside of La Libertad, told the family that they saw

soldiers in the WAS shoot at her son and capture Letsi, who ran off when her son stopped. The police later visited the husband and threatened to kill him if he talked about anything he saw.

According to her, the contra were not in the neighborhood or the zone during that period; it was very quiet at that time. (This is true.) No one was seeing them around at that time. They are now coming back into the zone, however.

She saw the body. The lip was swollen up, with a big bruise on the left forehead, as though he had been hit there. His throat was cut. He had a slash on his upper right arm with a knife, although the head of the mothers' committee told her that was from the bullet passing through the arm and hitting in the lower right chest.

Justo Edis Zeledón Amador, May 8, 1980

The first son was killed on May 8, 1980; Justo Edis Zeledón Amador, then 21, was shot on the street at 8 pm by two military who were waiting for him in the cantina of Mercedes Rivas, in La Libertad. They wanted him to come with him, put a gun to his ribs, he refused to go, and they shot. He had been with the FSLN, fighting, and had come home from Managua in April 1980, sick, but without leave. We had been drinking at the time of the shooting. The incident was witnessed by Padre Paco, who was across the street, and caused a public uproar in the town.

4. Jairo, 10, beaten by EPS, June 15-20, 1989, San José Cuscawas, Waslala, Matagalpa.

Source: Santana, interviewed on July 2, in San Ramon.

The day before opening fire at an armed correo who was outside a Catholic service and killing one civilian woman churchgoer and wounding another (see letter no. 451, allegations of Sandinista abuses), the same Simón Bolívar Battalion from the Waslala base, headed by Montana, took a shot at a campesino, Isidro González, 32, who was running from them because he was frightened. He was wounded in the foot, but managed to escape and they still do not know who he is.

The same day, they captured and beat up Jairo, the 10 year old son of a correo, trying to make him tell the whereabouts of his father, who is indeed a correo, nicknamed Opaldo. The correo does not live at home and only arrives irregularly, due to the nature of his work, which keeps him in hiding and moving around the zone, doing things like troop surveillance and fingering government supporters.

The troops came to the house of the boy and captured him at 4 pm one afternoon. They had stripped him and were beating him all night, demanding that he say where his father was and where he kept the arms. They boy did not know any of that, however. They hit him with their belts. Finally, they put a rope (mecate, more like a wire) around his neck and put him in a poza (a deep hole at the edge of a river) overnight. Finally, they took him home in the morning, half dead.

Santana talked to his mother, Teresa, who was at home when he got there. She was taking the son to the health center in Cuscawas that same morning when she saw Santana and told him about the

case.

Santana denounced this case, as well, to Chico Pancho, head of the EPS at Cuscawas. He did not believe the compas did this, but promised to punish the guilty one. No one was punished; when Santana returned to Cuscawas on June 20, Chico Pancho said that there were several compas with the Montana name and it was too hard to find him. (Mira, hay varios compas que así los llaman. Me hizo difícil encontrarlo.)

5. Martín Méndez Mendoza, a young man of 22 years, was captured at his father's farm in comarca La Bodega on January 4, 1989 at 8 am. They were looking for Martín by name. The soldiers were part of a larger contingent of 150 soldiers in the area at the time. (La Bodega is seven hours by horse from Rio Blanco; it is near no other town.)

I interviewed Martín in Rio Blanco on July 4, 1989.

The soldiers took him and Leopoldo Cantillano, his brother in law, to the nearby river and dunked him in the river, hit him, and questioned him for two hours, threatening to drown him. They wanted him to turn over his AKA, M-79 and backpack. He denied having any such things, so they got madder and dunked him more in the water. There were two soldiers meting out this mistreatment; others were nearby, guarding.

They also kicked him and put a bayonet to his throat.

They were not after his brother in law, and let him go the same morning, after questioning him about Martín's activities. They beat him some but did not torture him.

The soldiers then took Martín to his house; no one was home. The chief, "Canoso" (same man who tortured Aldemar), cut a lemon from the lemon tree in front of the house and squeezed lemon juice into the wounds of Martín, the wounds on his neck (where he had been cut with a bayonet) and on his face (from the beating).

The other chief, Miguel Garzón, beat him more while there. Both are from the EPS base at Wilikito.

Then they handcuffed his hands behind him, took some belongings from the house (glasses, cups, spurs) and took him off to comarca Montermon, which is nearby. They spent the night there, he in handcuffs.

In the morning they unhandcuffed him, at about 9 am. They split into two groups, looking for water. He was in the contingent of 30 men lead by Canoso. They got to a house called El Pinal and when they were 350 varas away from it, Canoso ordered the soldiers to tie Martín up again.

Canoso instructed a group of five men to take the prisoner Martín to Wilikito, noting that it was 1:05 pm and they should be there at 2. He warned them not to let him escape.

The five took him 400 varas beyond, and then started to whisper among themselves. "Take out the machete to make picada" (shredded meat), one said. A soldier took out his knife and walked toward Martín.

Martín had by that time succeeded in loosening the rope tying him and jumped up and ran off. They shot at him three times but did not hit him. Then two shot automatic fire at him (rafagas) and followed him for about 400 varas, but did not reached him.



They looked for him for another half hour but did not find him.

He and his uncle Teodoro Méndez (who was tortured in Las Tejas, DGSE Matagalpa, 1986, whose testimony is in our report of 1987) and his father complained about the case to the authorities in Rio Blanco and the soldiers did not bother him any more. Garzón did, however, pass by the farm and ask the helper where he was. Canoso and Garzon are still at the same base, however.

cannot find letter 451

Letter 471

On July 31, 1989, María Fonseca and I went to Matagalpa to investigate a press report of a killing of Juan Mairena Orozco, 26, a young man shot dead while running from an EPS draft patrol.

We learned from residents of the comarca Samulalí, Matagalpa, that at 8 am on July 27, 1989, he was on his father's horse, bringing corn into town to sell from the family farm in Piedra Colorada, when he encountered an EPS patrol on the road in Samulalí. He jumped off the horse, ran and they shot several rounds at him. One bullet struck his head and he died immediately.

The local Frente representative (referred to by his neighbors as a "sapo" or fink) said that the incident, which happened right outside his house, was an accident. The victim had been ordered to stop and did not. One soldier was trying to climb over the fence to chase the evader when his gun accidentally discharged. The soldier had his gun in one hand and a popsicle in the other.

The neighbors scoff at this version, saying that they heard many shots fired off. In addition, it is very coincidental that a stray bullet could have hit a man running as fast as he could, who was perhaps 50 yards down a slope when he was hit.

The authorities were notified and then the family was advised later in the day. The mother and father arrived at about 1 or 2 pm and the whole community gathered to see them and the body. Since this is not a conflictive zone, some of the people had not seen violent death this close up at all, and were very upset at the sight of the young man, well known in the community, and his father and mother crying over the body. They faulted the EPS for letting the body lie in the sun and rain the whole morning.

A military commission was formed to investigate the case and a press release was issued the same day, appearing in the Friday July 28 newspapers in Managua. It said simply that the case was being investigated and that the man had refused to show his documents and fled, and was shot. On Monday, July 31, the mother went to Managua to denounce the case, and this was carried in La Prensa and on Radio Corporación.

The mother also denounced the fact that, a month earlier, another son had been killed by the DGSE after a dance in a nearby town. That case is also included here.

Background

The military communique in the press on July 28 said the event occurred in San Dionisio, so we went there first and spoke to the delegado, Cristobal Canales, who was sympathetic to the

government in most respects, except that he was very opposed to the draft. He said that there had been lots of recruitment going on in the past month or two in that zone, and consequently lots of draft evasion. The draft patrols were going from house to house, day and night, and dragging out draft-aged men.

Draft-aged men are from age 18 (for the SMP) and from age 25-40 (for the reserves). Reserve duty is taken seriously and men serve from one to four months a year in the reserves, whether or not they have a family to support. This is a source of such great opposition inside Nicaragua that the government agreed, in the context of the electoral negotiations, to suspend the draft from September 1989 through the February 25, 1990 elections, for SMP and reserves.

In the San Dionisio area, about 200 men had been drafted in the past month, the delegado told us. This has greatly hampered agricultural work, because besides the weeding and putting on fertilizer now, they are beginning to harvest the beans. Many men do not venture out in the fields because they wish to avoid the draft patrols. Few men come to town anymore; they send the women of the family to buy and sell.

The drafting in Samulalí was also at an accelerated rate these past few months, the residents of that town told us.

The Frente representative, Jose Francisco Zeledón, told us that the patrol that was at his house that morning (buying popsicles that he sells he said) was a specially-constituted draft patrol that looks for people who have registered for the draft but failed to report when given notice, or who have not registered. Zeledón told us that Juan Mairena Orozco, whose father he knows well, had never been drafted and was a draft evader.

Zeledón said that he saw Juan coming down the road on his horse. I am sure he must have told the patrol that Juan was a draft evader. The neighbors believe that he is in charge of "ratting" on them to the authorities, that is, that it is he who gives the names of the young men in these communities to the army, which then comes looking for them.

### Testimonies

One neighbor, a woman, was at home at 8 am when she heard many shots and, shortly afterwards, saw several soldiers on the road, and in their custody a young 14 year old boy, Manuel Torres (unsure of his last name) from Piedra Colorado, obviously being taken for the draft.

Her brother-in-law<sup>2</sup>, who had already served his two years in the army, was at his home when he heard the shots and looked out over an inclined pasture, which drops down from the road. He saw Juan, whom he recognized, tearing off down the slope of the pasture and past a line of trees, with his hat in his hand, running to beat the band. He passed over a small ridge and the ex-soldier lost sight of him. He assumed that the army was after him, and that he had escaped.

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<sup>2</sup> Felix Pedro Almendro, who does not want his name used at all.

Another neighbor saw the horse coming running down the road, loaded with corn, with no rider. They recognized the horse as belonging to Juan's family and stopped it.

At about 2 pm, Juan's family came to the comarca from Piedra Colorado. The army had sent for them. They were shown the body, and the mother began to cry and wail, and all the neighbors gathered, surprised to see that Juan was dead.

Zeledón, the Frente member who is shunned by everyone in town, or so it seems, was very suspicious when we went to his house. He wanted to know where we were from, looked at our passports, and asked what other human rights investigations I had done. He finally seemed satisfied, and said that it was a shame, it was all an accident.

He was at his house, which is on the road, on the other side of which is the slopping pasture where Juan was shot, in the morning when six soldiers and a lieutenant from the Brigade in Matiguás stopped by. They were on a specific mission, to catch army desertors and draft evaders, of whom they had a list. They stopped at his house to buy popsicles.

Zeledón saw Juan coming down the road on a horse. He did not know his name but knew his face, and knew his father well. He went inside the house.

He heard the soldiers tell the boy to halt. He heard the boy yell "piricuacos" (rabid dogs, the epithet used by the contra against the Sandinistas) at them, and then heard voices, as if the soldiers were talking to him. He did not see any of this; he was inside the house.

Then he heard several shots. He did not see shooting. When he emerged from the house, he heard and saw one soldier give his gun to another soldier and say it was a mistake. He said that another soldier was almost hit by the shots, as well -- the soldier who was closer to Juan in the chase.

He did not see the soldier who shot in the fence, or tangled up in the fence.

That same morning, the authorities in San Dionisio were advised; they formed a commission. Later, the Auditor Militar from Matagalpa came and interviewed people. They are handling the case; at first he wanted us to talk to them only, and did not want to talk to us.

#### CUS investigation of earlier death

In the offices of CPDH on August 2, Juan Méndez and I interviewed a CUS attorney who for the past three months has been on the road inside the country taking testimonies from victims and witnesses to various human rights violations affecting the CUS members. He is Dr. Rolando Cerna Gómez. He takes his typewriter and official paper with him, and writes up the statements on the spot, which the witnesses sign. He had several of those statements (originals) with him when we interviewed him. I was very encouraged to see such work. It is rare that Nicaraguans (not internationals) go to the field.

On Thursday July 27, coincidentally, he was taking the testimonies in Piedra Colorado of people who were witnesses to the death of Juan's brother, Porfirio Mairena Salgada, who was shot

dead in comarca Los Chanchos, San Ramón, Matagalpa, on June 24, 1989, by DGSE agent Paulino Méndez. The DGSE agent got into an argument with Porfirio's brother in law and when Porfirio tried to intervene, shot him twice in the chest with his Makaroff.

Porfirio was a CUS member so Dr. Cerna was on the case. The mother, Sra. Ramona Salgado Centena, had complained to the police in San Ramón after the burial of her son, and they told her that these were the types that died, and if she continued to talk about it, she would be jailed. (vaya, señora, esos son los que mueren, y si sigue hablando, caerás preso)

On June 30, at 8:30 am, there was a procession of the Catholic faithful in Los Chanchos (I believe), attended by Santos Ramos García, one of the witnesses against Paulino Méndez. He was approached by six soldiers, among them Paco Escoto from San Dionisio, who wanted to arrest him. He sent for help to the church, where 480 people were gathered, and many rushed over to stop the arrest. The soldiers desisted, but threatened to take Santos away dead the next time they passed through.

Although the case was denounced by CUS, Paulino Méndez is still free and walking around.

Dr. Cerna was in Piedra Colorado when the family brought back the body of the second son, Juan, on that Thursday, July 27, from the comarca Samulalí, where he had been killed. He spoke to some of those accompanying the body (men from Samulalí).

Cerna said the people reported that Zeledón had threatened to kill everyone in the comarca if they made a fuss about Juan's death. (This did not seem to stop the mother, although all the people I talked to in Samulalí seemed fairly intimidated by Zeledón and did not want to be seen within sight of his house talking to us; they showed us the spot where Juan's body was found from a distance rather than approach Zeledón's house, and asked us not to use their names.)

#### Letter 477

Juan Méndez and I interviewed a relative in the CPDH in Managua on August 2, 1989.

Gertrudes Suárez Flores, of Camoapa, Boaco, is the sister of Maximino Suárez Flores, 28, of comarca El Guayabo, Zelaya (nearest municipality is Camoapa, she believes). She complained that her brother, a civilian, had been shot dead in cold blood by EPS soldiers on May 4, 1989.

According to what the eyewitnesses told her, he went with one Rito López and his cattle to Montes Verdes, on the farm of the Sequeira family. They repaired to the house of Margarita Sequeira and were drinking when the Sandinista troops, lead by Lt. Roberto Martínez (of Salvadoran origin), arrived from the base in Boaco, the San Juan Brigade. The soldiers called him by his nickname, Chemina, so perhaps one of them had some acquaintance with the victim, or something personal against him.

The soldiers ordered all the men who had been drinking at the farm to put their hands up. They questioned them one by one. Maximino was asked for documents, but he did not have any. He had

never been detained before.

Maximino got on his horse and left. The soldiers caught sight of him. "Shot him," (tírenlo) they yelled. The other people present yelled at the soldiers not to shoot at him, because he was not involved in anything (no era nada).

They shot him in the back and he fell off the horse. The witnesses told the family that no order to halt was given.

He was shot from a distance and the soldiers did not think at first that they had hit him. The woman living 500 yards away, near where he fell, sent her sons to tell the military that a man was wounded near her house. He was killed with one bullet.

The soldiers came, found his body, and put it over the back of his horse. They searched his bag and found nothing. They took him to the mountain and buried him there, robbing his spurs and his abanillo (?), leaving his horse behind.

The people near the farm told the victim's uncle. Some of the people, who protested the death, were detained but let out the next day.

The family found the grave, disinterred the body, and reburied him in comarca Guayabal.

He leaves a wife, six-year-old son, and blind mother. He had a cousin in the army, a lieutenant, who was angered by the report of the death because he knew that Maximino was not involved in anything.

#### Letter 478

1. I would include in the letter to Vilma, in which we discuss pending cases, a summary of the information on the Cándida Martínez case below, with the different dates and adding the disappeared witness.

[this and further cases may be in a letter other than 6/21, I'm not certain] Cándida Martínez García (our Cándida Martínez Mendoza, according to our information killed on February 7, 1989): according to the March 1989 CPDH report, she was arrested on September 16, 1988 and taken to El Comajón unit by Salvador Velásquez. Her body was found and the family accused Salvador Velásquez, whom they recognized, and Douglas Vargas. This is the same case, with the same defendants and location, but the second last name of the victim and the date are different.

The statement given by a friend of the family, Thelma Saenz López, 56, to the CPDH is that the victim's name is Cándida Martínez García, 18, member of the Iglesia Canadá Asambleas de Dios, single, housewife. She was taken by four milicianos on September 16, 1988 out of the mother's house, María García, 40, in comarca La Mula, Matiguás, Matagalpa, where the declarant also lives, and carried to the command post at El Comajón.

The mother went the next day to look for her daughter, accompanied by the son of the declarant, Nicolás Díaz Saenz, 29. They were told at the Comajón command post that she was not detained there, and they went to El Laberinto and Pancasán as well. In Pancasán at the command post Nicolás recognized one of the four men who had detained her the day before. He denied

detaining her but they complained to the chief of the post, who said the man's name was Salvador Velásquez, and called him in and asked him about the case. He denied everything.

On the way home, their dog led Nicolás, Cándida's brother Pedro Martínez García, and a friend, José Santos Laguna, to the body of Cándida, naked, nipples cut off, with a stick in the anus and another in the genital organs, bathed in blood, raped, beaten all over the body, hands tied, with the mouth tied with a piece of camouflaged shirt, wound on the left eyebrow, legs bruised. They told the mother and brought the body to her.

She was buried on September 18 and on September 19 the mother complained of the death to the police in Matiguás, who asked why she did not complain in Pancasán. She said she did and they did not pay any attention there. The Matiguás police went to Pancasán with the mother and captured Salvador Velásquez. As of March 13, 1989, he was detained in the command post with Douglas Vargas; the two others are fleeing arrest.

Since the son of the declarant, Nicolás Díaz Saenz, was the one who recognized Salvador VELásquez, the soldiers from Pancasán arrested him on September 23, 1988, where he was working, but he escaped from the command post in Pancasán. They are now looking for him, dead or alive, and for that reason the mother is denouncing the case. She has been looking for him from September 1988 to the date of the declaration, March 13, 1989. His whereabouts are now unknown.

He is accused of being a contra.

Celso Herrera Carballo (killed by EPS on July 11, 1988, according to his mother): the ANPDH says that he was killed on August 10, 1988, in the same comarca. They identify the batallion as BLI Rufino Marín del EPS.

The government has responded that they think he was killed in crossfire.

Asisclo Sevilla Duarte (our age for him is 60, killed in Plan de Grama, near Aguas Rojas, Wiwilí, by EPS on September 10, 1988): the ANPDH notes that he was killed on September 2 at 2 pm in comarca Aguas Rojas, municipio de El Cuá, Jinotega. He was also mutilated. The EPS who killed him were identified as Aniba, Primitivo Zamora and Agustín Rugama.

The government has responded that they think he was killed in combat. They do not have the names of the accused, however; do you think we should mention them?

Adrián Zeledón Centeno (our October 8, 1988 killing): the ANPDH says that he was killed on October 19, 1988, and robbed. The government has since responded that they have convicted Chico Tiro, head of DGSE in Pantasma, for the murder.

(The ANPDH later repeats the same case, minus the second last name, and the date of killing October 8 and the place comarca El Chile, Pantasma)

OTHER INFORMATION:

Aldemar Gallego Bravo (beating in April 1989): The ANPDH describes a man called "Daniel" whose nickname is El Canoso who heads Batallion 4009 in the locality of Ubú Norte, Zelaya. Accompanying him was Tomás Mendoza (Bombo). They robbed the case of Mrs. Hilda López on September 3, 1988.

Aldemar Gallego Bravo was beaten up by El Canoso, also in the same area of operations. We should forward this information in the additional information the government wanted on the Gallego Bravo case.

Miguel Angel Ramírez Dávila (killed September 2, 1988, Zompopera): the ANPDH has the right date but his name is wrong: Miguel Ramírez Rayo. His brother is in Honduras, according to The New York Times of April 16, which includes a foto of his brother. He is no doubt the source of this ANPDH information.