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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1641
Session:	Twenty-Ninth Ordinary Session (16 -27 October 1972)
Title/Style of Cause:	Juan Calderón Rueda v. Nicaragua
Doc. Type:	Decision
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Prof. Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela); All members attended the twenty-ninth session.
Dated:	14 March 1973
Citation:	Calderon Rueda v. Nicar., Case 1641, Inter-Am. C.H.R., OEA/Ser.L/V/II/.29, doc. 41 rev. 2 (1972)
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[1] Case No 1641, of August 1, 1969, supplemented on October 30, 1969, pertains to denunciation of various violations of the following rights: to life, liberty, and personal security; to residence and movement; to protection from arbitrary arrest; and to due process of law. The aforementioned acts were committed in the early months of 1969, in various places in that country.

[2] In a note dated February 9, 1970, the Commission requested the corresponding information from the Government of Nicaragua, in conformity with Articles 42 and 44 of its Regulations. The contents of this note were reiterated on April 17, 1970, in accordance with a decision adopted at the twenty-third Session.

[3] Likewise, at its twenty-fourth Session (October 1970) the Commission, acting on the basis of the recommendation of the rapporteur of this case, Dr. Gabino Fraga, decided to again reiterate to that government its request for the pertinent data. This decision was not implemented because, in a note of October 2, 1970, received on December 16 of that year, the Nicaraguan government transmitted ample information on the acts denounced.

[4] Consequently, at its twenty-fifth Session (March 1971) the Commission requested that the rapporteur present a new report.

During that session the rapporteur presented a second report (doc. 20-25) and recommended that the pertinent parts of the government's reply be transmitted to the petitioners.

[5] The Commission approved this recommendation and, in conformity with the decision, addressed the petitioners in a letter dated April 8, 1971.

[6] In a communication of August 2, 1971, the petitioners presented additional information to the

Commission on Case No 1641 and, particularly, on the information supplied by the Government of Nicaragua, enclosing pertinent documentation with the additional information.

[7] At its twenty-sixth Session (October-November 1971) the Commission continued consideration of Case No 1641 and the rapporteur submitted a third report, on the basis of which the following decisions were adopted:

(a) to transmit to the Government of Nicaragua the pertinent parts of the additional information supplied by the petitioners in their note of August 2, 1971, requesting that it present its viewpoints within 60 days, together with a copy of the legislation applicable to the case--the Electoral Law of Nicaragua; and

(b) to request that the petitioners indicate the persons directly affected, who would inform the Commission of their present situation. In accordance with these decisions the Commission addressed the Government of Nicaragua in a note on November 18, 1971, and the petitioners on December 3 of that year.

[8] In a note dated January 8, 1972 (No 0003), the Government of Nicaragua replied, stating, in summary, that it confirmed the concepts expressed in its note of October 2, 1970, relative to the character of the petitioners and their right to submit petitions to the Inter-American Commission on Human Rights, in conformity with the provisions of Article 38 of the latter's Regulations. With reference to the alleged facts, the Nicaraguan government reiterated the information supplied in the aforementioned note in the sense that they were related to common criminals sought by the regular justice and that "although the government was the first to regret it, inasmuch as the security of the country's citizens, the protection of whom constitutes the primary duty of the State was at stake, it was not possible to fail to pursue them in order to prevent the harm that they caused in cities as well as remote areas of Nicaragua, which they had converted into the scene of their illicit activities." The Government of Nicaragua enclosed a copy of the Electoral Law of that country with its note.

[9] At its twenty-seventh Session (February-March 1972), in addition to the data indicated above, the Commission took note of the denunciation submitted by Mr. Juan Calderón Rueda, one of the persons directly affected, who, in a communication of January 18, 1972, presented a detailed account of the alleged tortures and abuses to which he had been subjected by the Nicaraguan authorities, including prohibition of his return to that country, notwithstanding the legislative Decree of pardon issued in his behalf on April 30, 1963.

At that session, in the absence of Dr. Gabino Fraga, the rapporteur of the case, the Commission appointed Professor Manuel Bianchi as the new rapporteur. On the basis of the latter's report the Commission adopted the following decisions:

(a) to request additional information from the Government of Nicaragua on some of the persons mentioned in the denunciation, regarding whom that government had not informed the Commission in its notes of October 2, 1970, and January 8, 1972; and

(b) to transmit to that government the pertinent parts of the denunciation presented by Mr Juan Calderón Rueda, requesting information.

[10] These decisions were implemented in a note of April 5, 1972.

[11] At its twenty-ninth Session (October 16 - 27, 1972) the Commission again considered Case No. 1641, noting that the Government of Nicaragua, as well as Mr. Calderón Rueda, the petitioner, had not supplied the necessary information for adopting a decision on the substance of the matter.

Therefore, it adopted the following decisions:

1. To reiterate to the Government of Nicaragua the request for information transmitted on April 5, 1972, extending for an additional 60 days the period established in Article 51 of its Regulations.
2. To reiterate to Mr. Juan Calderón Rueda its request for information on the status of the case, establishing a period of 60 days for that purpose.
3. To file the dossier of Case No. 1641 without further processing if, at the end of the aforementioned periods, neither the government nor the petitioner have replied.

[12] In conformity with these decisions, the Commission addressed the Government of Nicaragua in a note dated November 1, 1972, and Mr. Calderón Rueda in a communication of November 16 of that year.