

NICARAGUA

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: JUNE 21, 1950

RATIFIED AMERICAN CONVENTION: SEPTEMBER 25, 1979

Recognition of Competence (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

On February 12, 1991, presented at the General Secretariat of the OAS, an instrument dated January 15, 1991, by which the Government of Nicaragua declares:

I. The Government of Nicaragua recognizes as binding as of right with no special convention the competence of the Inter-American Court of Human Rights in all cases involving interpretation and application of the Inter-American Convention on Human Rights, "Pact of San Jose, Costa Rica," by virtue of Article 62(1) thereof.

II. The foregoing notwithstanding, the Government of Nicaragua states for the record that its acceptance of the competence of the Inter-American Court of Human Rights is given for an indefinite period, is general in character and grounded in reciprocity, and is subject to the reservation that this recognition of competence applies only to cases arising solely out of events subsequent to, and out of acts which began to be committed after, the date of deposit of this declaration with the Secretary General of the Organization of American States.

On February 6, 2006, Nicaragua delivered a note to the General Secretariat in which it reported that the Government of the Republic of Nicaragua had added a third paragraph to the Declaration No. 49 of January 15, 1991 regarding the American Convention on Human Rights, in which it declares that it recognizes the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed a violation of a human right set forth in the Convention, as provided in Article 45 thereof.

**ACCEPTED JURISDICTION OF THE IA COMMISSION FOR "INTERSTATE COMMUNICATIONS" (ART. 45):
SEPTEMBER 25, 1979**

ACCEPTED JURISDICTION OF IACHR (ART. 62): FEBRUARY 12, 1991

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Genie Lacayo v. Nicaragua

On October 28, 1990, members of the military murdered sixteen-year-old Jean Paul Genie Lacayo when he attempted to drive past a military convoy carrying the Commander in Chief of the Nicaraguan Army. Despite attempts by the Attorney General and Mr. Genie Lacayo's father, Mr. Raymond Genie Peñalba, to bring those responsible for Mr. Genie Lacayo's death to justice, the State had not identified, prosecuted, or punished those responsible. As a result, the Court found that the State violated the American Convention on Human Rights.

Key Words: *Due Process Rights; Extrajudicial Killing; Life (Right to)*

Merits, Reparations and Costs

Judgment of January 29, 1997. Series C No. 30

Monitoring Compliance with Judgment

[None]

II) Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua

This case was brought because the State did not demarcate the communal lands of the Awas Tingni Community, nor did the State adopt effective measures to ensure the property rights of the Community to its ancestral lands and natural resources. Also, the State granted a concession on community lands without the assent of the Community, and the State did not ensure an effective remedy in response to the Community's protests regarding its property rights. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Discrimination; Economic, Social, and Cultural Rights; Housing, Land, and Property Rights; Indigenous Peoples' Rights*

Merits, Reparations and Costs

Judgment of August 31, 2001. Series C No. 79

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of March 14, 2008
- 2) Order of the Inter-American Court of Human Rights of May 7, 2008
- 3) Order of the Inter-American Court of Human Rights of April 3, 2009

III) Case of YATAMA v. Nicaragua

This case involves the exclusion of candidates for mayors, deputy mayors, and councilors who were part of the indigenous regional political party, Yapti Tasba Masraka Nanih Asla Takanka (YATAMA) from participating in the municipal elections held on November 5, 2000 in the North Atlantic and the South Atlantic Autonomous Regions. The individuals affected filed several recourses against this decision, however, the Supreme Court of Justice of Nicaragua declared that their claims were inadmissible. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Political Organizations; Access to Legal Procedures; Discrimination; Indigenous Peoples' Rights; Participation in Government (Right to)*

Preliminary Objections, Merits, Reparations and Costs

Judgment of June 23, 2005. Series C No. 127

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 29, 2006

- 2) Order of the Inter-American Court of Human Rights of August 4, 2008
- 3) Order of the President of the Inter-American Court of Human Rights of April 21, 2010 (Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of May 28, 2010
- 5) Order of the Inter-American Court of Human Rights of June 30, 2011
- 6) Order of the Inter-American Court of Human Rights of August 22, 2013
- 7) Order of the Inter-American Court of Human Rights of November 20, 2015 (Available only in Spanish)

B) Provisional Measures (Art 63.2)

- 1) Matter of Alemán Lacayo regarding Nicaragua [February 2, 1996]
- 2) Matter of Alemán Lacayo regarding Nicaragua [February 6, 1997]
- 3) Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua [September 6, 2002]
- 4) Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua [November 26, 2007]