

Amnesty International

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Nicaragua: the state must uphold, without delay, the judgement issued by the Inter-American Court of Human Rights

On 28 April 2017 the Inter-American Court of Human Rights served notice of the judgement on the case of Acosta et. al. v. Nicaragua, determining the international responsibility of the state of Nicaragua for the violation of the right to access to justice and truth suffered by the human rights defender María Luisa Acosta following the murder of her husband Francisco García Valle.

The grounds for the case was the lack of diligent investigation into the events which led to the death of Francisco García on 8 April 2002 in Bluefields, Nicaragua. Amongst other factors, the Court examined the lack of serious investigation into the theory that the murder could have been related to María Luisa Acosta's work to defend the rights of Indigenous Peoples.¹

In particular, the Court indicated that in cases of attacks against human rights defenders, states are responsible for ensuring impartial and timely justice, which involves an exhaustive review of all the facts in order to develop and implement an investigation leading to the proper review of presumed perpetrators.² This should include, without a doubt, attacks against family members of human rights defenders which are possibly carried out in retaliation for their work.

In addition, the Inter-American Court declared that human rights defenders in Nicaragua continue to face worrying and risky situations, particularly those who work on issues related to land and territory. Therefore the Court has ordered the state to establish protection mechanisms and investigation protocols for situations of risk, threats and attacks against human rights defenders.³

¹ Inter-American Court of Human Rights, Case of Acosta et.al. v. Nicaragua, Judgement of March 25, 2017, para. 1.

² Inter-American Court of Human Rights, Case of Acosta et.al. v. Nicaragua, Judgement of March 25, 2017, para. 143.

³ Inter-American Court of Human Rights, Case of Acosta et.al. v. Nicaragua, Judgement of March 25, 2017, para. 252.

The judgement issued by the Inter-American Court constitutes a clear ruling from the highest judicial body in the region which must give rise, without delay, to the Nicaraguan state adopting all measures necessary to ensure the right to legal safeguards and protection of María Luisa Acosta and other relatives of her husband, and in particular put an end to the impunity which has prevailed to date.

It is unacceptable that the Acosta family is still waiting for a serious and efficient investigation into these events which occurred over 15 years ago. The Nicaraguan state must, without delay, implement any actions necessary to ensure that this does not go unpunished and guarantee adequate reparation for the victims according to the terms dictated by the Inter-American Court.

Amnesty International calls once again on the Nicaraguan authorities to guarantee a safe environment for human rights defenders to carry out their vital work, without risks to them or their families.