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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 59/82; Case No. 7310
Session:	Fifty-Eighth Session (16 - 24 November 1982)
Title/Style of Cause:	SEAMNE'S UNION members v. Nicaragua
Doc. Type:	Resolution
Decided by:	Chairman: Marco Gerardo Monroy Cabra; First Vice-Chairman: Cesar Sepulveda; Second Vice-Chairman: Luis Demetrio Tinoco Castro; Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Tom J. Farer; Francisco Bertrand Galindo
Dated:	23 November 1982
Citation:	SEAMNE'S UNION v. Nicar., Case 7310 Inter-Am. C.H.R., Report No. 59/82, OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983)
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BACKGROUND:

1. In a communication dated April 21, 1980, the Inter-American Commission on Human Rights received the following complaint:

NICARAGUAN SEAMNE'S UNION. The members of this union have been threatened by members of the Sandinista Worker's Union (C.S.T.) in the sense that they would be made to join it. Also, members of the C.S.T. have provoked a division within the affiliated with the Sandinista Worker's Union. There is some amount of uncertainty among workers, due to the fact that the vacancies that have been obtained for the Seamne's Union have been grabbed by members of the C.S.T.

Also, the identity cards given to sailors to enter the Port Authority Zone to search for vacancies aboard ships have been cut off and declared nonvalid thus forcing members of the Nicaraguan Seamen's Union to join the C.S.T.

2. In a written communication of June 8, 1980, the Commission transmitted the pertinent parts of the complaint to the Government of Nicaragua requesting that it provide the information it deemed appropriate.

3. Not receiving any reply from the Government of Nicaragua, the Commission, in a written communication of February 2, 1981, repeated its request for information indicating the possible application of Article 39 of the Regulations with respect to the presumption of the truth of the facts. To date the IACHR has not received any reply from the Government of Nicaragua.

CONSIDERING:

1. That Article 39 of the Regulations established the following:

Article 39

The facts reported in the petition whose pertinent parts have been transmitted to the government of the state in reference shall be presumed to be true if, during the maximum period set by the Commission under the provisions of Article 31, paragraph 5, the government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion.

2. That, to date the Government of Nicaragua has not answered the Commission's requests.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. In application of Article 39 of the Regulations, to presume the facts denounced in a communication of April 21, 1980, to be true.
2. To declare that the Government of Nicaragua violated the right to freedom of association (Article 16) of the American Convention on Human Rights.
3. To recommend to the Government of Nicaragua that it restore the freedom of association and cease the verbal threats coercing workers to join the Sandinista Worker's Union.
4. To communicate this resolution to the Government of Nicaragua and to the complainants.
5. If after a period of sixty days the Government of Nicaragua has not furnished information with respect to the measures taken, the Commission will include this resolution in its Annual Report to the General Assembly of the Organization of American States, in accordance with Article 59, paragraph (g) of the Commission's Regulations.