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Institution: Inter-American Commission on Human Rights  
File Number(s): Report No. 17/86; Case No. 9344  
Session: Sixty-Seventh Session (8 – 18 April 1986)  
Title/Style of Cause: Aristides Lopez Huerta v. Nicaragua  
Doc. Type: Resolution  
Decided by: Chairman: Luis Adolfo Siles Salinas;  
First Vice Chairman: Gilda Russomano;  
Second Vice Chairman: Marco Tulio Bruni Celli;  
Members: Dr. Marco Gerardo Monroy Cabra; Dr. Bruce McColm; Ms. Elsa Kelly; Messrs. Oliver Jackman  
Dated: 16 April 1986  
Citation: Lopez Huerta v. Nicar., Case 9344, Inter-Am. C.H.R., Report No. 17/86, OEA/Ser.L/V/II.68, doc. 8 rev. 1 (1985-1986)

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## HAVING SEEN:

1. The petition received by the Inter-American Commission on Human Rights on April 9, 1984, according to which:

ARISTIDES LOPEZ HUERTA, 25 years of age, married, a farmer and resident of the area of El Cedro, Department of Jinotega, was arrested at home on December 18, 1983 and taken to El Bocay, in the same department. He was taken away on board an IFA truck and there are two witnesses to his arrest. So far his whereabouts are unknown.

2. The transmission of the pertinent parts of this petition to the Government of Nicaragua in the note of June 18, 1984, requesting it to provide such information as it deemed pertinent, as well as any information that would make it possible to ascertain whether, in the case that is the subject matter of this request, the remedies of domestic law had been exhausted.

3. The communication of January 30, 1985 which repeated the request for information of June 18, 1984.

4. The repetition of the request for information made in the note of February 27, 1986, which informed the Government of Nicaragua that, should such information not be provided within a period of thirty days pursuant to Article 42 of the Regulations, the facts reported would be considered to be true.

## CONSIDERING:

1. That so far the Government of Nicaragua has not replied to the request for information made by the Commission concerning this case and that, in addition, the requirements of domestic law have been exhausted.

2. That, by reason of their nature, the facts that are the subject matter of the petition, do not permit the application in this case of the friendly settlement procedure.

3. That Article 42 of the Regulations of the Commission stipulates the following:

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 34, paragraph 5, the Government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion.

4. That, in addition to not replying to the repeated requests for information, the Government of Nicaragua has so far not allowed a member of the Commission and an official of the Secretariat to go to that country to clarify certain aspects relating to this case, pursuant to the provisions of Article 48.1 d of the American Convention on Human Rights to which Nicaragua is a State Party.

5. That in its observations to Resolution 17/86, the Nicaraguan Government stated that Mr. Aristides Lopez Huerta has not been detained and no restrictions have been placed on his freedom of movement in the country adding that:

The information supplied by the claimants does not appear to correspond with reality. It is relevant to point out to this Honorable Commission that the places where this person was allegedly detained are zones in which counterrevolutionary bands enter and leave and in which a climate of danger and movement typical of war zones exists. In such zones, in which the backwardness is not notorious, there is not even a population census. The above circumstances impede the rapid gathering of information.

6. The observations of the Government are a general response and do not address the details of the facts presented by the claimant, for which reason the Commission finds that these observations do not cast doubt upon the conclusions to which it arrived in Resolution 17/86.

7. That the General Assembly of the Organization of American States declared in Resolution 666 (XIII-0/83) that "the practice of the forced disappearance of persons in the Americas is an affront to the conscience of the hemisphere and constitutes a crime against humanity."

In view whereof:

**THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:**

1. To consider to be true the facts reported in the communication of April 9, 1984 concerning the arrest and subsequent disappearance of Mr. Aristides Lopez Huerta.

2. To declare that the Government of Nicaragua has violated the right to personal liberty (Article 7) and the right to life (Article 4) set forth in the American Convention on Human Rights to which Nicaragua is a State Party.

3. To recommend to the Government of Nicaragua that it order a thorough investigation of the facts reported in order to identify the persons responsible, and prosecute and punish them in accordance with the law and that it adopt the necessary measures to prevent a repetition of such serious events.

4. To confirm Resolution 17/86, to include it in its Annual Report to the General Assembly of the Organization of American States, in accordance with Article 63, g of the Regulations of the Commission,

and communicate it to the claimant.