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NICARAGUA IS INTERNATIONALLY RESPONSIBLE FOR THE LACK OF PROTECTION OF COMMUNAL PROPERTY AND ADEQUATE CONSULTATION OF THE RAMA AND KRIOL PEOPLES AND THE BLACK CREOLE INDIGENOUS COMMUNITY OF BLUEFIELDS

San José, Costa Rica, November 18, 2024. – The Inter-American Court of Human Rights declared Nicaragua internationally responsible in the judgment in the *Case of the Rama and Kriol Peoples, the Black Creole Indigenous Community of Bluefields et al. v. Nicaragua*.

The Court established that Nicaragua: a) exercised undue interference in the appointment of communal and territorial authorities and representatives of the Black Creole Indigenous Community of Bluefields and the nine communities that make up the Rama and Kriol Peoples; b) violated the rights of those communities regarding their territories; c) did not provide an adequate response to different judicial actions; d) did not take necessary measures to prevent the environmental impact generated by the activities of the settlers in the territory of these communities, and e) it approved and granted the concession of the Nicaraguan Grand Interoceanic Canal (GCIN) without a prior, free and informed consultation process, and without timely performing an environmental and social impact assessment.

The official summary and the full text of the judgment can be accessed [here](#).

The Court determined that the State issued a title deed on the communal property of the Black Creole Indigenous Community of Bluefields for an area that was smaller than what was initially determined, without clear grounds, following administrative proceedings which had unjustified delays and in which the community was not duly heard. It also established that despite an unjustified delay of more than 14 years, Nicaragua did not conclude the procedure to correct the territory of the Rama and Kriol communities and it did not prevent the occupation of land by "settlers." Moreover, the State did not adequately perform a prior, free and informed consultation of the Rama and Kriol communities and the Black Creole Indigenous Community of Bluefields regarding the very large-scale project Nicaraguan Interoceanic Grand Canal, and it did not perform in a timely manner the environmental and social impact assessment for that project.

Consequently, the Inter-American Court declared Nicaragua responsible for the violation of political rights, the right to participate in cultural life, property, prior free and informed consultation, judicial guarantees, judicial protection and a healthy environment of the Black Creole Indigenous Community of Bluefields and the Rama Cay, Wirning Kay, Bangkukuk Taik, Tiktik Kaanu, Sumu Kaat, Indian River, Monkey Point, Corn River and Graytown communities.

In addition, Nicaragua violated rights to the detriment of certain individuals, namely: a) the political rights and right to participate in cultural life of Dolene Patricia Miller Bacon; b) the rights to judicial guarantees and judicial protection of Princess Dyann Barberena Beckford; c) the right to judicial protection of Nora Magdalena Newball Crisanto, and d) the right to personal liberty of Rupert Allen Clair Duncan, George Patrick Henríquez Cayasso and Jennifer Oneyda Brown Bracket, regarding the processing of writs of *habeas corpus*.

Based on these violations, the Court ordered several reparation measures including: to adopt the measures to replace the title deed on the communal property issued to the Black Creole Indigenous Community of Bluefields and make the corresponding acts of delimitation, demarcation and correction; protect the communal properties of the Black Creole Indigenous Community of Bluefields and the Rama and Kriol communities; complete the process of correction of the Rama and Kriol territory and adopt, in agreement with the Rama and Kriol communities, measures to guarantee the peaceful co-habitation within the territory of the members of the communities and individuals who are not part of these communities.

The Court also ordered the State to ensure that any measure that it may adopt in relation to the interoceanic canal project must be preceded by a free, prior and informed consultation process. It also ordered the creation of a fund for the benefit of the members of the victim communities to finance various projects.

Judges Rodrigo Mudrovitsch and Eduardo Ferrer Mac-Gregor Poisot disclosed their joint concurring opinion. Judge Patricia Pérez Goldberg disclosed her partially dissenting opinion.

The Court's composition for the issuing of this judgment was as follows: Judge Rodrigo Mudrovitsch, Vice-President (Brazil); Judge Eduardo Ferrer Mac-Gregor Poisot (México); Judge Ricardo C. Pérez Manrique (Uruguay); Judge Verónica Gómez (Argentina) and Judge Patricia Pérez Goldberg (Chile).

This press release was drafted by the Registrar's Office of the Inter-American Court of Human Rights; it is solely responsible for this document.

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