
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 90/2024**

Precautionary Measure No. 330-24
Reinaldo Picado Miranda regarding Costa Rica
November 25, 2024
Original: Spanish

I. INTRODUCTION

1. On March 8, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a precautionary measures request filed by Medardo Mairena of *Movimiento Campesino* (“the applicant”) urging the Commission to require that Costa Rica (“the State” or “Costa Rica”) adopt the necessary measures to protect the rights to life and personal integrity of Reinaldo Picado Miranda¹ (“the proposed beneficiary”). According to the request, the proposed beneficiary faces the risk of being tortured if he is taken to Nicaragua, following the decision by authorities in Costa Rica to extradite him based on various criminal charges against him. Currently, after having several requests denied, his request for asylum is before the Immigration Administrative Court (*Tribunal Administrativo Migratorio*). On May 29, 2024, the applicant filed a petition in favor of Reinaldo Picado Miranda, alleging that Costa Rica violated various rights enshrined in the American Convention on Human Rights.²

2. In accordance with Article 25(5) of the Rules of Procedure, the IACHR requested information from the State on March 15, 2024. The applicant submitted additional information on March 18, 2024. The State submitted its response on March 19, April 3, May 20, and August 27, 2024. On September 9, 2024, additional information was requested from the parties. On September 19, 2024, both the State and the applicant submitted their responses.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Consequently, and with the objective of assisting the State in the fulfillment of its obligations, Costa Rica is requested to adopt the necessary measures to guarantee the rights to life and personal integrity of Mr. Picado Miranda. In particular, refraining from deporting, expelling or extraditing the beneficiary to Nicaragua until the competent Costa Rican domestic administrative and/or judicial authorities have duly assessed, in accordance with applicable international standards and the principle of non-refoulement, the alleged risk that his rights to life and physical integrity would face if deprived of his liberty in Nicaragua under the current context of the country.

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

4. The proposed beneficiary states that he is a “farmer” and “a member of the farming community that opposes” the current Nicaraguan government. He has communicated that he was part of “the resistance in 1986 against the revolution”, after which his brother was assassinated. He held a popularly elected position as proprietary councilman of the Municipality of Kukra Hill of the Autonomous Region of the Southern Caribbean Coast of the Republic of Nicaragua until 2018. He stated that he participated in the 2018 protests in

¹ He is also referred to as Reynaldo Picado Miranda.

² The petition was registered under P-1261-24.

Nicaragua and had been residing in Costa Rica since that year, alleging political persecution as the reason for not completing his term as a councilman. He also stated that he has been rooted in Costa Rica since that date.

5. The proposed beneficiary is wanted by Nicaraguan authorities for prosecution for the crimes of aggravated murder; attempted aggravated murder; manufacture, trafficking, possession and use of restricted weapons; organized crime; aggravated robbery; and simple kidnapping. According to internal migratory regulations, the effects of the 2023 extradition sentence are suspended,³ as the proposed beneficiary filed a new request for refuge in Costa Rica in 2023, which continues to be evaluated by the competent immigration entities.

6. Regarding the extradition process, on October 1, 2022, the Criminal Court of the First Judicial Circuit of San José granted the extradition request and ordered his provisional detention via vote number 1380-2022. On August 22, 2023, the Court of Appeals for Sentencing of the Third Judicial Circuit of Alajuela, Third Section, ruled to dismiss the appeal. The proposed beneficiary is currently held in the Gerardo Rodríguez Echeverría Center, popularly known as “Cárcel El Virilla”, in San Rafael de Alajuela, Costa Rica. The applicant questions his detention and described it as arbitrary. According to the attached documentation, the proposed beneficiary filed two writs of habeas corpus before the Constitutional Chamber of the Supreme Court on August 25 and October 12, 2023. The appeals were rejected on September 14 and October 27, 2023, respectively.

7. On June 23, 2023, the proposed beneficiary submitted a political asylum request to the Executive Power, which was denied on July 25, 2023. Regarding the application process to request refugee status, the proposed beneficiary first submitted their request to the General Directorate of Migration and Immigration on September 28, 2018. This request was denied. After appealing to all decisions, the denial was upheld. In 2023, the proposed beneficiary submitted a new request for refugee status to the Refugee Unit of the General Directorate of Migration and Immigration. By Resolution No. 135-1088924, the process was archived on September 8, 2023.⁴ This decision was also appealed, and by Resolution No. 135-1120492, the appeal was rejected.

8. By means of Resolution No. 135-1119331 of February 23, 2024, the Restricted Visas and Refugee Commission denied the request for asylum. On February 28, 2024, a revocation appeal was filed with the General Directorate of Migration and Immigration. In this appeal, the proposed beneficiary’s attorney argued that, in general terms, there is clear and undeniable persecution against the proposed beneficiary as an opponent of the government of Daniel Ortega. They also questioned the extradition decision and the possibility that he could be subjected to torture, which would violate the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and cited General Comment No. 02 of the Committee against Torture. Moreover, the attorney highlighted that there is a lack of institutionality in Nicaragua; and concluded that the principle of non-refoulement should be applied.

9. By means of Resolution No. 135-1120492 of March 1, 2024, the Restricted Visas and Refugee Commission decided to uphold the administrative resolution of February 23, 2024, thereby rejecting the request for refugee status, and referred the case to the Immigration Administrative Court. Within the considerations of this Commission, the available documentary support indicates the following:

³ General Law on Migration and Immigration, Article 116: “When an application for recognition of refugee or asylum status is filed, it shall have suspensive effect on the execution of the foreigner’s extradition until the corresponding procedure has been completed by means of a final decision. The recognition of refugee or asylum status shall have the effect of terminating any extradition proceedings initiated against the refugee or asylum seeker at the request of the Government of the country where the alleged offence was committed, on the basis of the same facts that justified such recognition.”

⁴ Through Administrative Resolution No. 135-1088924, issued on September 8, 2023, it was decided to declare the request inadmissible and close the case, “as no new elements, facts, or circumstances were presented to justify reconsideration, in accordance with Article 141 of the Regulations for Refugees.”

- The proposed beneficiary's legal representative "did not provide new evidence along with their appeal," which "could reverse the contested resolution, nor sufficient elements to change the issued decision."

- Regarding the aspect "where he expressed that he had been persecuted by the Ortega Government for being an opponent, it is made known to the defendant that the challenged resolution did not prove persecution against him. [...] Although, at this stage, he is given the opportunity to include new elements to explain inconsistencies, address any omissions regarding the events that led to his departure from the country, or further support his account with detailed descriptions of the reasons that forced him to leave, all in order to conduct a comprehensive analysis of his situation, yet the appellant limits himself to restating his claim of being an opposition member, which was already evaluated in the earlier stages before the submission of his Revocation Appeal. In the resolution to deny, the contradictions in his account are explicitly pointed out, such as the distressing phone calls, the man who attacked him on his left forearm, and his issues as a councilman. Thus, the proposed beneficiary had the possibility to contest each of the points, provide explanations for what he had not had the opportunity to convey during the interview, and offer information to address these gaps—information that any individual with such experience would be able to articulate. What this does is to confirm the idea that the persecution alleged by Mr. REINALDO in his country of origin did not occur."

- *Regarding the point questioning the extradition ruling*, "this Commission informs the administration that, regarding this argument, this administration has no jurisdiction, as it pertains to a matter that exceeds our authority. For this reason, the judge (...) conducted an analysis on the specific issue and determined that Nicaragua's Extradition Request was in accordance with the law. Mr. Picado, in this same argument, pointed out that he may be subjected to acts of torture and that Costa Rica may be in non-compliance with the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Regarding this allegation that Nicaragua does not have a serious and credible judicial system and its questioning of massive human rights violations, it can be considered as the denial of civil, political, economic, social, and cultural rights in a serious and systematic way or when it gives rise to a situation of omnipresent repression and oppression based on widespread discrimination and terror." "It is crucial to point out that, in this case, Mr. Picado left his country of origin for issues not related to his position as councilman. It can therefore not be considered as accredited that, because of his political opinion, he is subject to persecution in his country, as was made clear in the contested resolution, as the experiences of other people in a given country do not necessarily show massive violations of human rights, as the defendant intends to focus on. In view of the foregoing, even though the defendant may eventually fear for acts of torture, it is not justified, since he is not being persecuted, as has been made clear in the contested resolution. Moreover, human rights violations in the strict sense of the term are committed by agents of the state or by private individuals acting under the orders of agents of the state or at their instigation or with their tolerance, consent or acquiescence (...)." "It is emphasized to the relevant individual that the fact that he is being sought in his country of origin is solely because he is being investigated for common crimes and not due to his position as a councilman, meaning there is no political persecution or that his political position is the reason for his request in Nicaragua (...)."

- It was stated that: "The principle of non-refoulement constitutes the cornerstone of international refugee protection and is the most fundamental of refugee rights. Its importance lies in the fact that it is synonymous with protection against expulsion or any other form of return to territories where the refugee's life, physical integrity or freedom would be in danger". Based on the 1951 Refugee Convention (Article 33, paragraph 1) and Articles 39 and 55 of the Regulations for Refugees, it was stated that 'protection against refoulement to the country of origin applies to all refugees and anyone who is a seeker of this status, until a final decision is made regarding their request for asylum.' Therefore, the principle of non-refoulement has always been granted to Mr. Picado in accordance with Costa Rican legal provisions, meaning that this principle protects individuals who have been granted refugee status or while their requests for asylum are being processed. However, once the individual exhausts the administrative process and is not granted International Protection, this principle ceases to provide protection. Therefore, the applicant is not recognized as a victim of persecution in his country of origin for any of the reasons established by Costa Rican legislation, as indicated in the appealed resolution and the preceding paragraphs of this resolution."

10. The applicant claims that Costa Rica fails to uphold its commitment to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. He indicated that, once the proposed beneficiary's final request for asylum is decided before the Immigration Administrative Court, there will be no further domestic remedies available and he could be extradited to Nicaragua within hours, without

his family or lawyer being informed of it. He questions the proposed beneficiary's current detention in Costa Rica and mentions reports from international organizations on the human rights situation in Nicaragua. Moreover, the applicant attached a communication from the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, dated April 25, 2024, in which Costa Rica was requested to provide information on the situation of the proposed beneficiary, recalling the applicable international standards on the matter.⁵

11. Lastly, the applicant highlights that Mr. Douglas Gamaliel, one of the proposed beneficiary's colleagues who was prosecuted for the same facts, has already been extradited to Nicaragua. The applicant criticizes the process by which his colleague was extradited to Nicaragua.⁶ In his latest communication, the applicant details that, according to statements from Fanor Alejandro Ramos, identified as a "political prisoner" (the statements were made on September 10, 2024, following his release on September 5, 2024 to Guatemala), Douglas Gamaliel is reportedly being held in the "infiernillo," in the maximum security cell 300. The proposed beneficiary is reportedly being held in solitary confinement. He is permanently isolated, naked, cannot receive any visitors, receives constant threats, has no medical attention, and is constantly threatened by the guards. It was indicated that, when the guards take pictures of him, they put him in uniform, put him on a mattress, give him a mat, and then take off his shackles to take the pictures. They then take off his uniform again. He is reportedly not allowed to use a mosquito net to protect himself from insects. In his testimony, Mr. Fanor described the situation as "torture."

B. Response from the State

12. The State of Costa Rica requested that the thorough analysis conducted by state authorities, both administratively and judicially, regarding the admissibility of the extradition and the invoked international protection be taken into account. According to the State, the internal mechanisms are reportedly active and fully aware of the situation, and the proposed beneficiary's extradition process is currently suspended. The State communicated that the case file related to Mr. Reynaldo Picado Miranda's request for asylum has been under review by the Immigration Administrative Court since March 4, 2024, and a hearing was held in May 2024. The State argued that, given Mr. Picado's request for refuge "has not yet been resolved," and that a decision from the Immigration Administrative Court is still pending, it requests the IACHR to proceed with the filing of this matter. The proposed beneficiary's complete immigration file was attached.

13. Based on the allegations presented by Costa Rica, the administrative migration processes, according to applicable regulations,⁷ is essential to assess the personal circumstances and the context of the country of origin in order to ensure that the fundamental rights of applicant, particularly their right not to be subjected to torture, are not put at risk. The State clarified that every administrative decision must carry out a thorough and objective assessment of the risk of torture, ensuring that decisions are made in strict compliance with both national and international standards, in order to avoid situations that could compromise the safety or dignity of the applicants. According to the State, the process includes a series of fundamental steps and considerations to ensure that requests for international protection are properly heard and assessed. The assessment of the risk of torture in asylum procedures is complex, as it involves both a detailed evaluation of

⁵ The communication from the Special Rapporteur indicates that she received information "regarding the situation of Mr. Reinaldo Picado Miranda, who, as I understand it, is at imminent risk of being extradited to Nicaragua, where, in my opinion, there are well-founded reasons to believe that he is in danger of being subjected to torture or other cruel, inhuman, or degrading treatment or punishment."

⁶ According to the request, "[i]n the case of Douglas Gamaliel Pérez Centeno, it was evident that the authorities carried out acts in the prison under false pretenses, during non-business hours, and without effective resources; he was not even allowed to call his lawyer."

⁷ Article 11 of the General Law of Public Administration, Regulations for Refugees (Executive Decree No. 36831-G), 1951 Convention Relating to the Status of Refugees, Article 11 of the Political Constitution, as well as the General Law on Migration and Immigration (Law No. 8764). The 1951 Refugee Convention, along with the principles of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, reaffirm the principle of non-refoulement, which, based on Article 11 of the Political Constitution of Costa Rica, is mandatory for public administration to implement.

individual testimonies and an analysis of the broader sociopolitical context.⁸ According to the State, this approach ensures the protection of the rights of those who seek refuge, fleeing situations of violence and persecution.

14. Moreover, Costa Rica states that, at the judicial level, the assessment of the proposed beneficiary's situation was made based on the evidence provided by the legal representation, from which it was not possible to establish the alleged risks as proven, in accordance with the applicant's particular condition. The State emphasized that Mr. Picado's case does not appear to be influenced by any political motives from the Republic of Nicaragua. Furthermore, it states that the crimes for which his extradition has been requested align with offenses recognized under both Nicaraguan and Costa Rican law.

15. Based on the information provided by the coordinating judge of the Court of Puntarena in Quepos, the State emphasized that the resolution that accepted the extradition request filed by Nicaragua against Mr. Reinaldo Picado Miranda and Mr. Douglas Gamaliel Álvarez Morales⁹ is final. It recalled that the appeal filed was heard by the Court of Appeal for Judgment of the Third Judicial Circuit of Alajuela, which by resolution of August 22, 2023 referred to the principle of non-refoulement in this matter:

"As previously stated, the administrative procedures initiated by the General Directorate of Migration and Immigration which denied asylum to the appellants, found that they do not meet the condition of political persecution, which is an essential requirement for obtaining refugee status, in accordance with Article 31 of the Political Constitution. [...] In addition to all the above, Costa Rica and Nicaragua, as independent and sovereign states, signed an extradition treaty that has been in force since November 8, 1893, through which our country committed to surrender individuals accused of committing a crime who take refuge in our territory, once it is proven that the conditions set forth in the treaty and, subsidiarily, in the Extradition Law, are met. In this case, these requirements in the legislation in question were verified in the ruling that concerns us, in which it is stated that Pérez Centeno and Picado Miranda were charged with crimes that have the status of such in the two legislations, that they are not political crimes or related to them, that the criminal action is not prescribed by any of the legislations, that the requested citizens are Nicaraguans, that the pertinent documentation was sent, with the diplomatic formalities, that there is a judgment of probability of commission of the illicit. In addition, Nicaraguan law does not provide for the death penalty, so there is no such danger for the appellants. Lastly, regarding the political affiliation and the origin of the appointment of Judge Gloria María Saavedra, who signed the extradition request, this is a matter that falls within the legal sovereignty of the requesting country, over which our State has no interference. Having proven the requirements for the extradition of Pérez Centeno and Picado Miranda to the State of Nicaragua, there is no reason to analyze their probable surrender to a third country. For these reasons, the allegations made in the appeal are declared inadmissible."

16. The State highlighted that several writs of habeas corpus were filed before the Constitutional Chamber of the Supreme Court of Justice. In one of the habeas corpus proceedings, the State stressed that the Chamber:

"does not observe an openly arbitrary action by the contested judicial bodies, but rather, once the resolution that granted the extradition of the protected individual, Reynaldo Picado Miranda, to the State of Nicaragua became final on October 13, 2023, the Penal Court of Quepos sought to make him available to that government; however, the [General Directorate of Migration and Immigration] DGME raised an alert regarding the impossibility of executing the referred extradition due to the ongoing processing of this case. Consequently, once the Judiciary was

⁸ The State indicated that the evaluation process consists of seven steps: (1) Requesting an appointment to formalize the request asylum; (2) Receiving the request for asylum; (3) Eligibility interview; (4) Technical assessment, which considers the following factors (the applicant's background; the context of the country of origin; gender, sexual orientation, ethnic affiliation, and other vulnerability factors); (5) Restricted Visas and Refugee Commission; (6) Resolution and notification; (7) Appeals and reconsiderations (If appeals are filed, and the Restricted Visas and Refugee Commission decides to uphold the decision to deny in the appealed resolution, the entire file must be forwarded, following notification of the respective resolution, to the Immigration Administrative Court, which will handle the appeal and has a maximum of three months to resolve the case, in accordance with Article 228 of the General Law on Migration and Immigration).

⁹ He is also referred to as Douglas Gamaliel Pérez Centeno.

informed of the current situation of the protected individuals, regarding the submission of a request for asylum on behalf of the protected Reynaldo Picado Miranda, his surrender was suspended, and therefore, it is not verified that the principle of non-refoulement or the provisions set forth in the aforementioned Article 116 of the General Law on Migration and Immigration have been violated.”

17. The State also indicated that the extradition of the individuals to Nicaragua was cancelled on October 13, 2023, due to the existence of a precautionary measure ordered by the Constitutional Chamber of the Supreme Court of Justice. It added that, after the appeal was rejected, new arrangements were made for the extradition of Douglas Gamaliel Álvarez Morales to Nicaragua, which materialized on February 16, 2024. However, in the case of Reinaldo Picado Miranda, his surrender has not materialized since a request for refugee status was filed in his favor based on new facts. Pending a decision on this request, the competent court could not set a specific date for extradition to Nicaragua.

18. The State indicated that the competent government entity to assign the status of political refugee to a person or a group of persons in Costa Rican territory is the General Directorate of Migration and Immigration. According to the coordinating judge of the Court of Puntarenas based in Quepos:

“[...] both at the first and second instances, the arguments and evidence presented by (...) [the defense] have been evaluated, with no conclusion drawn regarding the existence of a risk of torture or cruel, inhuman, or degrading treatment against the extraditees Picado Miranda and Álvarez Morales by the Government of Nicaragua. It should be noted that (...) [the defense] presented, as documentary evidence, mere screenshots of alleged digital newspaper articles, but were not able to verify the origin or legitimacy of their source, regarding the presentation by Nicaraguan police authorities of those responsible for the homicide of several officers, as well as those involved in the murder of police officers and civilians in the Río San Juan and Matagalpa regions. That the Nicaraguan regime accuses 94 opponents in the courts of Managua without specifying the crime. On the trial of the regime of Daniel Ortega to Bishop Rolando Álvarez. That the priest of Mulukukú was to be allegedly tried in January by the pro-Ortega justice system. Regarding Gloria Saavedra, pro-Ortega judge who inhibited Berenice Quezada. The Sandinista judge, Gloria Saavedra, rejected the request of political prisoner Max Jérez to give his final farewell to his deceased mother. Additionally, they provided a copy of La Gaceta de Nicaragua of November 20, 2017. In short, a series of documents that did not suggest the existence of any political interest on the part of the Republic of Nicaragua to the detriment of Mr. Reinaldo Picado Miranda and Douglas Gamaliel Álvarez Morales. On the contrary, once alerted by the Costa Rican authorities, the requesting State submitted the investigation file (Judicial File 022962- ORM4-2022-PN) against Mr. Reinaldo Picado Miranda, Mr. Douglas Gamaliel Álvarez Morales, and others, for the alleged commission of the crimes of aggravated murder; attempted aggravated murder; manufacture, trafficking, possession, and use of restricted weapons; organized crime; aggravated robbery; and simple kidnapping, according to Nicaraguan legislation.”

19. In addition, regarding the Refugee Unit, the State reported that the applicant’s account was duly analyzed, both in the decision of first hearing and in the appeal. Upon completing the analysis, the Commissioners of the Refugee Commission determined that the facts related do not fall within the definition of a refugee, and therefore it was decided to reject the request. The State indicated that, once administrative proceedings before the Immigration Administrative Court have been exhausted, the administrative litigation procedure is opened, where even precautionary measures, such as the suspension of the contested administrative act, may be granted.¹⁰ The State submitted case law on the matter.¹¹

¹⁰ They referred to the scope of the precautionary measures at the domestic level. It was added that in Costa Rica, provisional precautionary measures may be requested and granted, in accordance with domestic regulations, in situations of extreme urgency, without requiring a contradictory process, due to the urgency of the situation. However, if a provisional precautionary measure is decreed, at the same time, the processing judge must grant the State a period of three days in order for it to state what it deems pertinent in its defense, with a view to the adoption or not of the definitive precautionary measure.

¹¹A resolution was attached in which the actions of the administrative authorities in a refugee proceeding were questioned, resolving the nullity of the proceedings and ordering that the request for refugee status made by the interested party consider the

20. The State also explained that, in the event of a denial by the Immigration Administrative Court, it is possible for the applicant to file judicial remedies to challenge that decision. The State explained that the relationship between the request for asylum and extradition is a “complex issue and depends on several legal factors.” Regarding the applicable regulations,¹² when an individual requests asylum and faces an extradition procedure, a suspensive effect on the execution of the extradition may arise if the person files judicial appeals against the decision denying asylum. This follows from the principle that a person cannot be extradited as long as they have a legal status that allows them to challenge such a decision in court.¹³ Therefore, it is guaranteed that the authorities respect both the right of defense and the fundamental rights of the person throughout the administrative and judicial process. In the case of Costa Rica, after the decision to deny issued by the Immigration Administrative Court and given that there is an extradition order, the following judicial actions can be considered: appeal for protection of constitutional rights (*amparo*);¹⁴ action for nullity;¹⁵ and appeal for revocation.¹⁶ Costa Rica claimed that the applicant may also seek assistance from the Ombudsperson’s Office, which may offer guidance and support in cases related to human rights. The deadlines in legal actions are limited, so the expeditious action is extremely important, since the consequences in such cases may be significant, given that there is an extradition order in force.

21. The State pointed out that “the extradition decision is not automatically suspended by the filing of subsequent legal actions.” The applicant has the right to challenge the decision before the competent courts; however, this does not automatically suspend the extradition procedure unless the competent judicial authorities expressly determine otherwise. Therefore, the immigration and judicial authorities must proceed with the extradition process in accordance with the applicable regulations, without prejudice to any precautionary measures or suspension that may be ordered by judicial authorities and must be duly complied with.¹⁷ According to the State, in general terms, extradition may be carried out even if appeals or legal actions

regulations and principles governing refugee matters (Contentious Administrative Court, Section VI, Exp. 18-000990-1027-CA, Resolution No. 00107-2021 of August 19, 2021). Moreover, a copy of Resolution 1034-2009 is attached, as issued by the Contentious Administrative Court in case 09-001196-1027-CA, where the provisional precautionary measures were admitted, ordering the State to refrain from initiating, continuing, or completing any procedure aimed at the deportation of the plaintiff. Within this file, oral judgment No. 1345-2009 of the thirteen hours and thirty minutes of July 8, 2009. In which it is held that the claim is partially upheld and the resolutions of the General Directorate of Migration and Immigration are annulled. Within Case File 13-005880-1027-CA, the interested party, in their statement of claim, requested precautionary measures, seeking notification of the existence of the claim to the Pavas Trial Court, with the aim of ordering the suspension of the claimant’s transfer until the final resolution of this matter. Through Resolution number 70-2013, dated August 27, 2013, the Administrative Judge on duty adopted an extremely provisional precautionary measure, whereby the Criminal Court handling the extradition was requested to be notified of the existence of the process seeking the annulment of the administrative act issued by the Immigration Administrative Court, which denied the request for recognition of refugee status. Following the transfer of the law, by Judgment Number 851-2014 dated April 23, 2014, the Judge of Proceedings rejected the precautionary measure filed.

¹² The General Migration and Immigration Law, which establishes the framework for refugee requests in Costa Rica and how these cases should be handled, as well as the Extradition Law, which regulates the extradition process in the country.

¹³ National and international refugee protection regulations, as well as human rights principles, grant individuals the right to exhaust all available legal remedies before any measure that compromises their integrity or their ability to obtain international protection can be executed.

¹⁴ If the person considers that his or her fundamental rights have been violated, he or she may file an appeal for protection of constitutional rights (*amparo*) before the Constitutional Chamber. This appeal seeks to protect rights that may have been violated by acts of authorities. In accordance with the Political Constitution (Articles 41 and 48), and the Organic Law of the Judiciary.

¹⁵ If it is considered that the decision of the Immigration Administrative Court was arbitrary or violated established procedures, an action for annulment may be filed. The Code of Contentious-Administrative Procedure establishes the procedures and requirements for its filing. The General Law on Public Administration is also applicable, which clearly states that administrative acts must comply with the principles of legality, providing grounds for judicial intervention through an action for annulment.

¹⁶ Depending on the type of decision and the applicable administrative procedures, an appeal for revocation may be filed with the same authority that made the decision, requesting that the decision be reconsidered.

¹⁷ According to Costa Rican regulations and jurisprudence on extradition, an appeal for revocation or any other administrative remedy filed does not suspend the execution of the extradition decision, unless a specific precautionary measure is obtained to that effect.

have been filed against the decision of the Immigration Administrative Court. In this regard, they referred to the jurisprudence of the Constitutional Chamber of the Supreme Court of Justice of Costa Rica.¹⁸

22. Lastly, the State's duty to guarantee the protection of the fundamental rights of individuals seeking refuge was emphasized, based on the analysis of Judgment No. 09120-2001 of the Constitutional Court, particularly the right to non-refoulement, in accordance with the provisions of the Political Constitution and international human rights treaties. The Constitutional Court has established that any administrative procedure that affects vulnerable individuals, such as asylum seekers, must be resolved in accordance with the principles of due process, equality, and effective access to justice. Consequently, the competent authorities must conduct an exhaustive and considered analysis of each individual case, ensuring that decisions are adopted with full observance of constitutional rights and the corresponding procedural guarantees.

IV. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

23. The mechanism of precautionary measures is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

24. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.¹⁹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²⁰ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.²¹ As for their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness

¹⁸ In addition, regarding the relevant jurisprudence, it is necessary to indicate that the Constitutional Chamber has pointed out that extradition decisions may be affected by procedures related to human rights, such as the right to refuge. In general terms, if a person is involved in a legal process challenging the decision on the granting of refugee status, this may lead to the suspension of extradition until the respective appeal is resolved, as seen in Ruling No. 00263-20092 of the Constitutional Chamber of the Supreme Court of Justice. Costa Rican jurisprudence on extradition matters establishes that administrative appeals do not suspend the execution of the extradition decision (see Judgment No. 09120-2001 of the Constitutional Chamber of the Supreme Court of Justice). This has been reaffirmed by the Constitutional Chamber and other courts in various decisions, where it has been argued that the extradition process must be conducted efficiently and promptly, and that the exercise of appeals should not obstruct the execution of an act that has already been legally reviewed by the competent authorities. Costa Rica's Extradition Law, as well as the Code of Criminal Procedure, also reinforce this position. In general, the rule is that once the decision to extradite is taken, such decision is executed while the appeal or administrative appeals procedures are followed, except for exceptional situations that may justify a suspension.

¹⁹ I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; Case of Carpio Nicolle et al. v. Guatemala, Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

²⁰ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

²¹ I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.²² In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

25. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the information provided should be assessed from a *prima facie standard*.²³ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not called upon to determine any violation of the rights enshrined in the American Convention or other applicable instruments.²⁴ This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of the Rules of Procedure, which can be resolved without making any determination on the merits.²⁵

26. As *preliminary observations*, the Commission states that, it is not within its jurisdiction, within the framework of this procedure of precautionary measures, to analyze whether domestic authorities violated procedural guarantees, the right to personal liberty, or other rights under the Convention and applicable instruments, nor does it have the authority to review issues of fact and law in light of national regulations. In this matter, it must only be determined whether the proposed beneficiary, as a result of the ongoing procedure and the other alleged circumstances, is exposed to a situation of serious and imminent risk of irreparable harm, in accordance with the aforementioned Article 25 of its Rules of Procedure. As the Commission indicated in the *Matter of M.B.B.P. regarding Panama* in 2018, it does not have the competence to determine whether the proposed beneficiary should indeed be granted refugee status under internal or international law, nor to assess whether the competent authorities have properly considered the factual and legal arguments presented by

²² I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; [Matter of “El Nacional” and “Así es la Noticia” newspapers](#), Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; [Matter of Luis Uzcátegui](#), Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19 (Available only in Spanish).

²³ I/A Court H.R., [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#), Extension of Provisional Measures, Order of August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

²⁴ IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96-21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

²⁵ In this regard, the Court has stated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

their legal representation in administrative and judicial proceedings.²⁶ This assessment corresponds to the competent bodies of the State, within the framework of their constitutional and legal powers.²⁷

27. Before proceeding with the analysis of the procedural requirements, the Commission recalls that, in its *2019 Report on Forced Migration of Nicaraguans to Costa Rica*, it highly valued Costa Rica's open borders policy, which has protected tens of thousands of people who have been forced to flee Nicaragua.²⁸ The Commission also acknowledged the progressive legislation on international protection;²⁹ and highlighted the existence and composition of the Immigration Administrative Court of Costa Rica, which is the only specialized judicial body in migration and asylum matters in Latin America.³⁰ In March 2024, the Commission reaffirmed its appreciation of the efforts of the State of Costa Rica to receive Nicaraguans in a situation of human mobility.³¹ Considering the impact of Nicaraguan migration, the Commission called on the states of the region and the international community to implement a regional and international response based on shared responsibility, with a focus on respecting and guaranteeing the human rights of these individuals, ensuring that the Costa Rican State has the necessary resources to respond adequately and effectively to this humanitarian emergency.³²

28. In relation to the requirement of *seriousness*, the Commission observes that the situation of risk presented by the applicant is based on the possibility that the proposed beneficiary will be extradited from Costa Rica to Nicaragua, where his rights to life and personal integrity would be at risk given the possibility of being subjected to torture while deprived of his liberty in that country. In this regard, the Commission observes that the reported risk faced by the proposed beneficiary have been assessed by various administrative and judicial bodies in Costa Rica, at least since 2018. Additionally, it is noted that the allegation of torture was recently claimed in the new request for refugee status filed in 2023, which, after several appeals, is currently under analysis by the Immigration Administrative Court.

29. In light of the situation presented, the Commission recalls that the principle of non-refoulement constitutes the cornerstone of the international protection of refugees and asylum seekers.³³ Furthermore, the Inter-American Court has stated that this principle "is not an exclusive component of international refugee protection" and that it "is not only fundamental to the right to asylum, but also as a guarantee of various non-derogable human rights, since it is precisely a measure aimed at preserving the life, liberty or integrity of the protected person."³⁴ Moreover, within the framework of the American Convention, "other human rights provisions such as the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, recognized in Article 5 of the American Convention, provide a solid basis for protection against refoulement."³⁵ In the Inter-American Court's words:

"[...] Based on Article 5 of the American Convention, read in conjunction with the *erga omnes* obligations to respect and ensure respect for human rights

²⁶ IACHR [Resolution 81/2018](#), Precautionary Measure No. 490-18, M.B.B.P. regarding Panama, October 15, 2018, para. 23 (Available only in Spanish).

²⁷ IACHR, previously cited, para. 23.

²⁸ IACHR, [Forced Migration of Nicaraguans to Costa Rica](#), OEA/Ser.L/V/II. Doc. 150, September 8, 2019, para. 340.

²⁹ IACHR, previously cited.

³⁰ IACHR, previously cited.

³¹ IACHR, Press Release 121/2024, [IACHR concludes visit of the Special Monitoring Mechanism for Nicaragua to Costa Rica](#), May 31, 2024.

³² IACHR, *Forced Migration of Nicaraguans to Costa Rica*, OEA/Ser.L/V/II. Doc. 150, September 8, 2019, para. 343.

³³ I/A Court H.R., *The institution of asylum and its recognition as a human right in the Inter-American Protection System (interpretation and scope of Articles 5, 22.7 and 22.8, in relation to Article 1 (1) of the American Convention on Human Rights)*, [Advisory Opinion OC-25/18, of May 30, 2018, Series A No. 25, para. 179](#).

³⁴ I/A Court H.R., previously cited, para. 180.

³⁵ I/A Court H.R., previously cited, para. 181.

protection norms, it follows the State's duty not to deport, return, expel, extradite or otherwise remove a person subject to its jurisdiction to another State, or to a third State that is not safe, when there is a well-founded presumption that he or she would be in danger of being subjected to torture, cruel, inhuman or degrading treatment. This principle seeks, first and foremost, to ensure the effectiveness of the prohibition of torture in all circumstances and in respect of all persons, without discrimination of any kind. As an obligation arising from the prohibition of torture, the principle of non-refoulement in this area is absolute and also takes on the character of a peremptory norm of customary international law, *i.e. jus cogens*.³⁶

30. In addition to the above, the Inter-American Convention to Prevent and Punish Torture incorporates the principle of non-refoulement in its Article 13 as follows: "Extradition shall not be granted nor shall the person sought be returned when there are grounds to believe that his life is in danger, that he will be subjected to torture or to cruel, inhuman or degrading treatment, or that he will be tried by special or ad hoc courts in the requesting State." This principle is also associated with the protection of the right to life and of certain judicial guarantees, so that it is not limited only to protection against torture.³⁷ Regarding extradition issues, the Inter-American Court pointed out, in the *Case of Wong Ho Wing vs. Peru*, that "[...] obligation to ensure the rights to life and to personal integrity, as well as the principle of non-refoulement, when there is a risk of torture and other forms of cruel, inhuman or degrading treatment or risk to the right to life, 'is applicable to all methods of returning a person to another State, even extradition.'"³⁸

31. In the context of the severe human rights violations taking place in Nicaragua, which have been extensively documented by the IACHR through its Special Monitoring Mechanism for Nicaragua (MESENI), and considering the available information, the Commission finds that the allegations presented in the request are consistent with the monitoring being conducted in the country. Particularly with regard to the situation of persons deprived of their liberty in Nicaragua. Consequently, it indicates potential risks the proposed beneficiary might face if deprived of his liberty in that country.

32. This Commission highlights that, in 2023, the IACHR decided to incorporate Nicaragua, for the sixth consecutive year, in Chapter IV.B of its Annual Report.³⁹ That year, the IACHR continued to observe the persistence of deplorable detention conditions of persons arbitrarily deprived of their liberty in Nicaragua, ill-treatment, isolation regimes, lack of medical care and food, allegations of torture, among others.⁴⁰ In this context, the information and testimonies gathered through MESENI regarding the group of people released from prison and expelled to the United States on February 9, 2023, confirm a systematic pattern of torture, cruel treatment, and precarious conditions of detention against people considered political prisoners.⁴¹

33. In its assessment, the Commission took into account the conclusions of the Group of Human Rights Experts on Nicaragua (*Grupo de Expertos en Derechos Humanos sobre Nicaragua*, GHREN), which, on March 2, 2023, concluded that Nicaragua is committing "widespread human rights violations that amount to crimes against humanity were committed against civilians by Nicaragua's Government for political reasons."⁴² These human rights violations include extrajudicial executions, arbitrary detentions, torture, arbitrary deprivation of nationality, and the right to remain in one's own country. These are not isolated incidents, but rather "the product of the deliberate dismantling of democratic institutions and destruction of civic and

³⁶ I/A Court H.R., previously cited, para. 181.

³⁷ I/A Court H.R., previously cited, para. 182.

³⁸ I/A Court H.R. [Case of Wong Ho Wing regarding Peru](#). Preliminary objection, merits, reparations, and costs. Judgment of June 30, 2015. Series C No. 297, para. 130.

³⁹ IACHR, [2023 Annual Report Chapter IV.B.Nicaragua](#), OEA/Ser.L/V/II. Doc. 1, December 31, 2023, para. 8. The IACHR notes that the country's situation is framed within the grounds established in paragraphs 6.a.i, 6.b. and 6.c. of Article 59 of its Rules of Procedure.

⁴⁰ IACHR, previously cited, para. 66.

⁴¹ IACHR, previously cited, para. 66.

⁴² IACHR, previously cited, para. 9.

democratic space.”⁴³ With regard to the situation of members of the campesino movement in Nicaragua, the Commission has identified detentions particularly targeting campesino and student leaders who were part of the protests that began during the 2018 crisis and have openly presented themselves as opposed to the government.⁴⁴

34. In the Report on *Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis*, the IACHR warned that arbitrary detentions and deprivation of liberty have been used with the main intention of repressing any opposition to the current regime and transmitting a message of fear and control to the Nicaraguan population.⁴⁵ In particular, the IACHR noted that the lack of independence in the justice system has facilitated the use and manipulation of criminal law to criminalize and judicialize critical or opposition voices against the government. This has led to hundreds of judicial processes based on unfounded and disproportionate charges, as well as serious violations of the judicial guarantees of those detained. The IACHR also highlighted that the persons arbitrarily detained in the context of the human rights crisis have been accused of common crimes such as robbery, threats, and illegal possession, among others.⁴⁶

35. In addition to the above context, the Commission has been granting precautionary measures in favor of persons deprived of liberty in Nicaragua due to the detention conditions, which include allegations of torture.⁴⁷ Given that the State has not submitted a response, the Commission has continued to present these situations before the Inter-American Court through requests for provisional measures.⁴⁸ In several cases, the Inter-American Court has declared the State of Nicaragua in contempt of court for failing to comply with its orders to address the specific risk faced by persons who are deprived of their liberty.⁴⁹

36. In this matter, the Commission observes, at first glance, that the risk assessments at the domestic level has primarily focused on determining whether the proposed beneficiary is a political persecuted individual due to past events, but do not address factual elements regarding the potential situation he would face if deprived of his liberty in Nicaragua under the current context. While the Commission appreciated all the efforts made by the State to obtain new and updated information from the proposed beneficiary’s representation, it also notes that there are certain factual allegations that the State has not had the opportunity to assess internally to date, either because they were only recently presented in this precautionary measures

⁴³ IACHR, previously cited.

⁴⁴ IACHR, [Annual Report 2021, Chapter IV.B.Nicaragua](#), OEA/Ser.L/V/II. Doc. 64 rev.1, May 26, 2022, para. 115.

⁴⁵ See: IACHR, [Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018](#), OEA/Ser.L/V/II. Doc. 287, October 5, 2020, para. 5.

⁴⁶ IACHR, previously cited, para. 222.

⁴⁷ Since 2018, the Commission has granted many precautionary measures in favor of persons deprived of their liberty who face specific situations of risk. The cases address situations of persons perceived or identified as opposition, and generally critical of the current Nicaraguan government, placed in detention conditions that put their rights at risk. In some cases, family members or attorneys did not have minimal information about their whereabouts or location after their arrest, nor access to criminal records, which would allow them to activate protective actions on their behalf. Recently, the following were granted, among others: IACHR [Resolution 77/24](#), Precautionary Measure No. 1133-24, Steadman Fagot Muller regarding Nicaragua, October 28, 2024; [Resolution 75/24](#), Precautionary Measure No. 1134-24, Gersom Antonio Zeledón Motta and three other persons regarding Nicaragua, October 24, 2024; and [Resolution 68/24](#), Precautionary Measure No. 919-24, Eddie Moisés González Valdivia regarding Nicaragua, September 30, 2024.

⁴⁸ See, among others, the following: IACHR, [Press Release 241/2024](#), IACHR requests the IACHR Court to extend provisional measures for four persons deprived of their liberty in Nicaragua, October 4, 2024; and IACHR, [Press Release 145/2024](#), IACHR requests the IACHR Court to extend provisional measures for 25 persons deprived of their liberty in Nicaragua, June 20, 2024.

⁴⁹ Among other decisions, through a resolution of the Inter-American Court on November 22, 2021, Nicaragua was declared in contempt for failing to comply with the binding nature of the Court’s rulings. The Court decided to include this decision in its next Annual Report to inform the General Assembly of the Organization of American States, pursuant to Article 65 of the American Convention, about the State’s non-compliance with the Court’s orders. In March 2023, the Presidency of the Inter-American Court appeared before the Permanent Council of the OAS, and reported on the permanent contempt of the State of Nicaragua for the Court’s decisions and the complete lack of protection for the beneficiaries of provisional measures. See: I/A Court H.R. [Matter of Juan Sebastián Chamorro et al regarding Nicaragua](#), extension of Provisional Measures, Order of the Inter-American Court of Human Rights of October 14, 2021 (Available only in Spanish).

procedure, or because the legal representative has not elaborated on them during the processing of the request for asylum.

37. In this sense, as indicated, the Inter-American Commission is not called upon to order the State to grant a form of international protection or other complementary forms of protection. However, in accordance with the principle of complementarity within the Inter-American System, and considering the information presented to this Commission, it is crucial that the State be given the opportunity to assess the potential risks the proposed beneficiary may face, particularly in light of the situation of an individual already extradited to Nicaragua for the same charges, such as Douglas Gamaliel, a colleague of the proposed beneficiary. In this regard, the Commission notes a series of risk indicators, consistent with the context of serious human rights violations in Nicaragua, which merit, at the very least, an internal and comprehensive assessment within the framework of the proceedings in which the proposed beneficiary is already involved. For these purposes, the proposed beneficiary's representation must submit all the necessary and updated information, accompanied by the corresponding documentary support.

38. In line with the previous assessment, the Inter-American Court considers that "the host state must, therefore, take all necessary measures to protect the individual in the event of a real risk to their life, integrity, liberty, or safety if they are handed over or removed to the territorial state, or if there is a risk that this state might subsequently expel, return, or extradite the person to another state where such a real risk exists."⁵⁰ Moreover, the Inter-American Court has stated:

"When a noncitizen alleges to a State a risk of refoulement, the competent authorities shall, at a minimum, interview the person and conduct a preliminary or pre-assessment to determine whether or not there is such a risk of refoulement. Regarding the risk to the rights of the foreign person, it is pertinent to specify that it must be real, i.e., a foreseeable consequence. In this regard, the State must conduct an individualized assessment to verify and evaluate the circumstances presented by the individual, which may reveal that they could suffer harm to their life, liberty, safety, or integrity in the country to which they are intended to be returned, or that, if returned to a third country, the person may face the risk of being sent to the place where such a risk exists. If their narrative is credible, convincing or consistent in order that there may be a likely risk situation for them, the principle of non-refoulement should govern."⁵¹

39. In these circumstances, the Commission considers *prima facie* that a situation of serious risk to the rights to life and personal integrity is sufficiently established, based on the available information regarding the situation the individual could face if extradited, without a prior comprehensive assessment of the specific situation they could encounter if deprived of liberty in the current context of Nicaragua.

40. With regard to the requirement of *urgency*, the Commission understands that its assessment is linked to the imminence of the extradition of the proposed beneficiary in circumstances in which his situation has not been fully assessed, particularly in view of the evidence brought to the attention of this instance. According to the information available, the Immigration Administrative Court could issue its decision at any time, given that the three-month deadline for deciding has expired,⁵² and with this the regulatory suspension of extradition has been lifted. Although it was indicated that various legal remedies could be filed, the Commission observes that their filing would not suspend the current extradition order, and therefore the extradition process would continue. The outcome will depend on the timeliness of the judicial appeals and the

⁵⁰ I/A Court H.R., [The institution of asylum and its recognition as a human right in the Inter-American Protection System \(interpretation and scope of Articles 5, 22.7 and 22.8, in relation to Article 1 \(1\) of the American Convention on Human Rights\)](#), previously cited, para. 197.

⁵¹ I/A Court H.R., previously cited, para. 196.

⁵² [General Law on Migration and Immigration, Law No. 8764](#), Article 228: If the appeal has been filed in subsidiary form, the case will automatically be referred to the Immigration Administrative Court for hearing and resolution within a maximum period of three months.

eventual decision issued by the competent judicial authority. Nevertheless, the extradition process will continue and could still be carried out.

41. Lastly, regarding the requirement of *irreparable harm*, the Commission considers that it is met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

II. BENEFICIARY

42. The Commission declares beneficiary Reinaldo Picado Miranda, who is duly identified in this proceeding.

III. DECISION

43. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, and with the objective of assisting the State in the fulfillment of its obligations, Costa Rica is requested to adopt the necessary measures to guarantee the rights to life and personal integrity of Mr. Picado Miranda. In particular, refraining from deporting, expelling or extraditing the beneficiary to Nicaragua until the competent Costa Rican domestic administrative and/or judicial authorities have duly assessed, in accordance with applicable international standards and the principle of non-refoulement, the alleged risk that his rights to life and physical integrity would face if deprived of his liberty in Nicaragua under the current context of the country.

44. The Commission requests that Costa Rica report, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

45. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected under the applicable instruments.

46. The Commission instructs its Executive Secretariat to notify this resolution to the State of Costa Rica and the applicant.

47. Approved on November 25, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary