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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 31/86
Session: Sixty-Eighth Session (16 – 26 September 1986)
Title/Style of Cause: Luis Bertello Masperi v. Costa Rica
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: 23 September 1986
Citation: Bertello Masperi v. Costa Rica, Inter-Am. C.H.R., Report No. 31/86, OEA/Ser.L/V/II.71, doc. 9 rev. 1 (1986-1987)

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1. HAVING SEEN, the claim submitted on June 27, 1986 by Mr. Luis Bertello Masperi, a Peruvian citizen, presently residing in Costa Rica.

2. IN VIEW OF the provisions of the Code of Private International Law (the Bustamente Code), subscribed at the Sixth International American Conference, on February 20, 1928, of which Costa Rica and Peru are member States, mentioned in the petition, and particularly Articles 351, 354 and 355 of said Code, and the provisions of Article 22 of the American Convention on Human Rights.

CONSIDERING:

1. That the offenses based on which Mr. Bertello Masperi's extradition has been requested have not been proven to be political or related thereto;

2. That neither has it been proven that any violation of any of the rights established by the American Convention on Human Rights has occurred;

3. That, finally, it has not been proven that any specific threat existed or exists against the security and physical integrity of the claimant that could put his life at risk.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. To declare the communication submitted by Mr. Luis Bertello Masperi inadmissible, in accordance with the provisions of Article 41, b of its Regulations.

2. To communicate this decision to the petitioner.