

**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF JANUARY 31, 2012
CASE OF CASTILLO GONZÁLEZ ET AL. v. VENEZUELA**

HAVING SEEN:

1. The brief of February 22, 2011, and its attachments received on March 3, 2011, presented by the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") to the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "the Court") submitting the case against the Bolivarian Republic of Venezuela (hereinafter "the State" or "Venezuela"), in which it offered two expert opinions, indicating their purpose and identifying the two proposed expert witnesses, and provided the curriculum vitae of one of them.
2. The brief of March 9, 2011, with which the Inter-American Commission forwarded the curriculum vitae of the other proposed expert witness.
3. The brief with pleadings, motions and evidence (hereinafter also "the pleadings and motions brief") of July 16, 2011, presented by the representatives of the presumed victims (hereinafter also "the representatives"), in which they offered three testimonies, the statements of four of the presumed victims, and seven expert opinions, and requested the incorporation of the expert opinion provided by Magaly Vásquez in the *case of the Barrios Family v. Venezuela*, "with regard to the examination of Venezuela's criminal laws." Lastly, they requested access to the Victims' Legal Assistance Fund of the Inter-American Court (hereinafter "the Court's Assistance Fund" or "the Fund") "to cover some specific expenses related to the production of evidence during the proceedings before the Court in the instant case," which they described. The brief received on August 8, 2011, with which the representatives provided the attachments to their pleadings and motions brief.
4. The brief answering the submission of the case and with observations on the pleadings and motions brief (hereinafter "the answering brief") of November 15, 2011, presented by the State, in which it offered three testimonies, but failed to specify the purpose of one of them, and one expert opinion. The brief of November 16, 2011, in which the State clarified that it was not offering three testimonies and that only two people would testify. The attachments to the answering brief were received on November 23, 2011.
5. The note of November 22, 2011, in which the Secretariat of the Court (hereinafter "the Secretariat"), on the instructions of the President of the Court (hereinafter also "the President") asked the State to indicate the purpose of the testimony of Ildelfonso Rafael Finol Ocando, and to send the curriculum vitae of the proposed expert witness.
6. The Order of the President of November 28, 2011, concerning the Victims' Legal Assistance Fund of the Inter-American Court.

7. The brief of December 9, 2011, in which the State indicated the purpose of the testimony of Ildfonso Rafael Finol Ocando, and forwarded the curriculum vitae of the proposed expert witness.

8. The notes of December 16, 2011, in which the Secretariat, on the instructions of the President and in accordance with Article 46(1) of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure"),¹ asked the parties to forward, by January 10, 2012, at the latest, their respective final lists of proposed deponents (hereinafter "final lists") and that, for reasons of procedural economy, they indicate those who could provide their testimony or expert opinions by affidavit.

9. The brief received on January 9, 2012, in which the State forwarded its final list, confirming the offer of two witnesses and one expert witness, and requested that they testify at a hearing.

10. The brief of January 10, 2012, in which the Commission forwarded its final list, reiterating the offer of expert evidence, and asked that one of the expert witnesses testify at a hearing, while the other could do so by affidavit. In addition, it considered that both expert opinions referred to matters of inter-American public order.

11. The brief of January 10, 2012, in which the representatives forwarded their final list, and asked that the testimony of three presumed victims, two witnesses and four expert witnesses be received by affidavit, and that the statement of one presumed victim and three expert opinions be provided at the public hearing.

12. The notes of January 12, 2012, in which the Secretariat, on the instructions of the President, forwarded the final lists to the parties and, in the terms of Article 46 of the Rules of Procedure granted them 10 days as of receiving the said final lists to present any observations they considered pertinent.

13. The communication of January 18, 2012, with which the State sent a brief in which it did not submit observations on the final lists, but asked that the Court reject the request to incorporate the expert opinion provided by Magaly Vásquez at the public hearing in the *case of the Barrios Family v. Venezuela* on June 29, 2011, that appears followed by the list of expert testimony presented by the representatives.

14. The communication of January 20, 2012, in which the Commission indicated that it had no observations to make on the final lists presented by the parties, and asked for the oral or written opportunity to question, as relevant, expert witness Claudia Samayoá.

15. The brief of January 20, 2012, in which the representatives did not present observations on the final lists, but submitted clarifications on the documentary evidence in this case.

CONSIDERING THAT:

1. The offer and admission of evidence, and also the summoning of the presumed victims, witnesses and expert witnesses are regulated in Articles 35(1)(f), 40(2)(c), 41(1)(c), 46(1), 50 and 57 of the Court's Rules of Procedure.

¹ Rules of Procedure approved by the Court at its eighty-fifth regular session held from November 16 to 28, 2009.

2. The Commission offered as evidence two expert opinions, the representatives offered the testimony of four presumed victims, two witnesses and seven expert opinions, and the State offered two testimonies and one expert opinion (*supra* having seen paragraphs 9 to 11).

3. The Court ensured the parties the right of defense in relation to the offers of evidence made in their briefs submitting the case and with pleadings and motions, and in the answering brief, as well as in their final lists (*supra* having seen paragraph 12).

4. The Commission indicated that it had no observations to make on the final lists presented by the parties (*supra* having seen paragraph 14). Furthermore, the representatives and the State did not present observations on the final lists. However, in its brief, the State asked that the Court reject the incorporation into this case of the expert opinion provided by Magaly Vásquez in *the case of the Barrios Family v. Venezuela*.

5. With regard to the testimony and expert opinions offered by the representatives and by the State that have not been contested, the President finds it desirable to receive the said evidence so that the Court may assess its usefulness at the appropriate procedural moment, in the context of the existing body of evidence and according to the rules of sound judicial discretion. This refers to the testimony of four presumed victims proposed by the representatives: Yelitze Lisbeth Moreno Cova, Yolanda Margarita González, Jaime Josué Castillo, and Julijay Castillo; of the witnesses Luz Marina Márquez Frontado and Ricardo Soberón, proposed by the representatives; of the witnesses Elvis José Rodríguez Moreno, and Rafael Finol Ocando, proposed by the State; the opinions of Alfredo Infante, Michael Reed Hurtado, Claudia Carrillo and Claudia Samayoa, proposed by the representatives, and the opinion of Antonio Uribarri, proposed by the State. The purpose of this testimony and the way in which it will be received will be determined by the President in the operative paragraphs of this Order (*infra* operative paragraphs 1 and 5).

A. Testimonial evidence offered by the representatives

6. In their pleadings and motions brief, the representatives proposed the testimony of Fanny Machado; however, this was not confirmed in their final list (*supra* having seen paragraphs 3 and 11).

7. According to Article 46(1) of the Rules of Procedure, the appropriate procedural opportunity for the representatives to confirm or withdraw the offer of testimony made in the pleadings and motions brief is in the final list requested by the Court.² The President understands that, by not confirming the said testimonial statement in its final list, the representatives desisted from offering the said testimony, at the appropriate procedural moment.

B. Expert evidence offered by the representatives

8. The President finds it unnecessary to receive the expert opinion of Marcela Ceballos Medina, proposed by the representatives, on “the issue of refugees, displaced persons and migrants in Colombia, particularly on the dynamics on the border between Colombia and

² Cf. *Case of Vera Vera et al. v. Ecuador*. Order of the President of the Court of December 23, 2010, eighth considering paragraph, and *Case of Alicia Barbani Duarte, María del Huerto Breccia et al. (Group of Depositors in the Banco de Montevideo) v. Uruguay*. Order of the President of the Court of January 31, 2011, eleventh considering paragraph.

Venezuela in the context of the 1999 to 2003 armed conflict," because it has sufficient elements of evidence to assess the context of the instant case.

C. Expert evidence offered by the Inter-American Commission and the representatives

9. Both the Inter-American Commission and the representatives offered as evidence the expert opinions of Raúl Cubas and Pedro Berrizbeitia (*supra* having seen paragraphs 1 and 3).

10. Regarding the expert opinion of Mr. Cubas, both the Commission and the representatives indicated that its purpose was to refer to the situation of violence in the state of Zulia and, in particular, in the municipality of Machiques, owing to the presence of illegal armed groups and the peasant land struggles. In addition, he would provide an opinion on the effects of this context on the work of the human rights defenders in the zone, and on the lines of investigation that could have been followed up in the case. The Commission considered that the said expert opinion would allow the Court to put the facts in context, from the differentiated perspective of a vulnerable group, with the consequent development of standards in this regard, issues that have a relevant effect on inter-American public order.

11. Regarding the expert opinion of Mr. Berrizbeitia, both the Commission and the representatives indicated that "he will testify on the circumstances that have contributed to impunity in the instant case by analyzing the domestic investigations and their appropriateness in view of the international human rights standards applicable [to the murder of human rights defenders]." The Commission considered that the said expert opinion refers to an issue of inter-American public order to the extent that it offers the Court a differentiated perspective on compliance with the obligation to investigate in the case of human rights defenders.

12. The President recalls that, as established in Article 35(1)(f) of the Rules of Procedure, the "possible appointment of expert witnesses" may be made by the Inter-American Commission "when the inter-American public order of human rights is affected in a significant manner," and the purpose and grounds must be adequately substantiated by the Commission. This provision means that the appointment of expert witnesses by the Commission is exceptional, subject to the said requirement, which is not met merely because the evidence that it is proposed to provide is related to an alleged human rights violation.³

13. The President notes that the expert opinion of Mr. Cubas is limited to the specific context and situation of Venezuela and of the state of Zulia, and to the lines of investigation in this specific case, so that the purpose does not constitute an issue of inter-American public order. With regard to the proposed purpose of the expert opinion of Mr. Berrizbeitia, the President finds that, even though it concerns the acts relating to the impunity in the case and their correspondence to international standards, it is also circumscribed to the facts of the instant case; hence, no implications for inter-American public order can be inferred.

14. Notwithstanding the above, the President finds that, although they are unrelated to inter-American public order, the said expert opinions can provide relevant elements to

³ Cf. *Case of Vera Vera et al. v. Ecuador*, *supra* note 3, ninth considering paragraph, and *Case of Díaz Peña v. Venezuela*. Order of the President of November 2, 2011, twenty-fifth considering paragraph.

decide the instant case. Consequently, it admits the offer of the representatives. The purpose and the method of receiving the said expert opinions are determined in the operative paragraphs of this Order (*infra* operative paragraph 1(D)). The usefulness of these expert opinions will be assessed at the appropriate opportunity, in the context of the existing body of evidence and according to the rules of sound judicial discretion.

D. Method of receiving the testimony and expert opinions admitted

15. It is necessary to ensure the most extensive presentation of the facts and arguments by the parties on everything that is pertinent for deciding the matters in dispute, ensuring both the latter's right to defend their respective positions and also the Court's ability to give adequate attention to the cases submitted to its consideration, taking into account that the number of these cases has increased significantly and is growing constantly. It must also be ensured that this attention is provided within a reasonable time, as required by effective access to justice. Consequently, it is necessary to receive the greatest possible number of statements and expert opinions by affidavit and to hear the presumed victims, witnesses, and expert witnesses, whose direct testimony is truly essential at the public hearing, taking into account the circumstances of the case and the purpose of the testimony and expert opinions.

D.1) Testimony and expert opinions to be provided by affidavit

16. Bearing in mind the provisions of Article 50(1) of the Rules of Procedure, the observations of the parties with their final lists of deponents, the purpose of the testimony offered and its relationship to the facts of the case, and also the principle of procedural economy, the President finds it desirable to receive, by affidavit, the statements of the presumed victims: Yolanda Margarita González, Jaime Josué Castillo González and Julijay Castillo González, proposed by the representatives; the testimony of Luz Marina Márquez Frontado and Ricardo Soberón, proposed by the representatives, and Rafael Finol Ocando, proposed by the State, and the expert opinions of Raúl Cubas, Pedro Berrizbeitia, Alfredo Infante, Claudia Carrillo and Claudia Samayoa, proposed by the representatives.

17. In application of the provisions of the said article, the President proceeds to grant the State and the representatives the opportunity to submit in writing, if they so wish, any questions they consider pertinent to ask the presumed victims, witnesses, and expert witnesses mentioned in the preceding paragraph. When providing their testimony before notary public, the deponents must answer the said questions, unless the President decides otherwise. The corresponding time frames will be defined *infra* (in operative paragraph 2) of this Order. The said testimony will be forwarded to the Commission, the State and the representatives. The State and the representatives may present any observations they consider pertinent within the time frame indicated in the operative paragraphs of this Order (*infra* operative paragraph 4). The Court will determine the probative value of the said testimony opportunely, taking into account the points of view expressed by the parties in the exercise of their right of defense, if applicable.

D.2) Testimony and expert opinions to be received at the hearing

18. The case is ready for the opening of the oral proceedings on the merits and eventual reparations. Therefore, the President finds it appropriate to convene a public hearing to receive the following: the statement of presumed victim Yelitze Lisbeth Moreno Cova, proposed by the representatives; the testimony of Elvis José Rodríguez Moreno, proposed by the State; and the expert opinions of Michael Reed Hurtado, proposed by the representatives, and Antonio Urribarrí, proposed by the State.

D.3) The Commission's request to question an expert witness proposed by the representatives

19. The Commission requested the oral or written opportunity to question expert witness Claudia Samayoa, proposed by the representatives, because the proposed purpose is related to protection measures for human rights defenders in dangerous situations and the criminal investigation of patterns of human rights violence against them. In its observations on the final lists of deponents presented by the parties, the Commission added that "this issue is related both to inter-American public order and to the matter to be dealt with by the expert opinion of Pedro Berrizbeitia," offered by the Commission.

20. Regarding the Commission's request, the President recalls the provisions contained in the Court's Rules of Procedure with regard to the reception of testimony proposed by the Commission, as well as with regard to its faculty to question the deponents offered by the other parties.⁴

21. In particular, it is pertinent to recall the provisions of Article 50(5) of the Rules of Procedure, which establish that "[t]he alleged victims or their representatives, the respondent State, and, if applicable, the petitioning State may formulate questions in writing for the declarants offered by the opposing party and, if applicable, by the Commission who have been convened by the Court to render their statements by affidavit." This article should be read in conjunction with Article 52(3) of the Rules of Procedure, which establishes the possibility that the Commission question the expert witnesses presented by the other parties, when stipulating that "if authorized by the Court upon receiving a well-grounded request therefor, when the inter-American public order of human rights is affected in a significant manner and the statement in question regards a topic included in the statement of an expert witness offered by the Commission." Hence, in each case, the Commission must substantiate the relationship with both inter-American public order and the matter on which the expert opinion is offered, so that the Court or its President may duly assess the request and, if appropriate, authorize the Commission to ask its questions.

22. The President notes that, although the purpose of the expert opinion of Claudia Samayoa covers aspects that may be relevant for inter-American public order, it is not possible to relate it to the expert opinion offered by the Commission, because the latter does not have implications for inter-American public order (*supra* considering paragraph 13). Therefore, since the second requirement established in Article 52(3) of the Rules of Procedure is not met, the request is denied.

E. Application of the Assistance Fund

23. In the Order adopted by the President on November 28, 2011 (*supra* having seen paragraph 6), he decided to find admissible the request made by the presumed victims, through their representatives, to access the Victims' Legal Assistance Fund of the Inter-American Court; hence, the necessary financial assistance would be granted to cover the expenses relating to the adequate appearance or presentation of a maximum of four testimonies, either at the hearing or by affidavit.

⁴ Cf. Case of González Medina and Family Members v. Dominican Republic. Order of the President of the Inter-American Court of Human Rights of June 3, 2011, forty-fourth considering paragraph.

24. Having determined which of the testimonies offered by the representatives will be received by the Court and the method by which they will be received, the specific purpose and intended use of the said assistance must now be established.

25. In this regard, the President stipulates that the financial assistance will be allocated to cover essential travel, accommodation and daily expenses for Yelitze Lisbeth Moreno Cova and Michael Reed Hurtado to appear at the seat of the Court and provide their testimony at the public hearing to be held in this case. In addition, financial assistance will be provided to cover the expenses of the notarization and sending of two testimonies provided by affidavit, as determined by the presumed victims or their representatives, in accordance with the provisions of the first operative paragraph of this Order. The representatives must advise the Court of the name of the two deponents whose affidavits will be covered by the Assistance Fund, and also forward an estimate of the cost of preparing a sworn statement in Venezuela and sending it, within the time frame established in the operative paragraphs of this Order. With regard to the persons who will appear at the public hearing, the Court will take the necessary and pertinent measures to cover the costs of their transfer, accommodation and daily expenses with resources from the Victims' Assistance Fund.

26. As required by Article 4 of the Court's Rules for the Operation of the Assistance Fund (hereinafter "Rules of the Assistance Fund"), the Secretariat is ordered to open an expense file in order to account for and document all the expenditures that are made with resources from the said Fund.

27. Lastly, the President recalls that, in accordance with Article 5 of the Rules of the Legal Assistance Fund, the respondent State will be informed of the expenditure made from the Assistance Fund so that it may submit its observations, if it so wishes, within the corresponding time frame.

F. Request to incorporate an expert opinion into the instant case

28. The representatives asked that the Court transfer the expert opinion provided by Magaly Vásquez at the public hearing in the *case of the Barrios Family v. Venezuela*, "with regard to the examination of Venezuela's criminal laws" (*supra* having seen paragraph 3). For its part, the State asked the Court to reject this request, because it considered that this expert opinion "was reasoned in an adversarial context based on the extrajudicial execution; and accused and identified several police agents in person, because of a confrontation between these police agents and individuals with a criminal record who were breaking the law, a fact that was not in dispute between the parties." It added that "[a]ll the circumstances of the Barrios Family case are very different from the Castillo González case, because the latter does not concern an extrajudicial execution. [...] Unfortunately, Joe Castillo never requested protection measures for himself and was then executed by hired murderers who it has not been possible to identify owing to the complexity of the historical Colombian conflict and the constant penetration of Colombian paramilitary groups that operate on Venezuelan territory" (*supra* having seen paragraph 13).

29. The President notes that the purpose of the expert opinion of Magaly Vásquez is similar to that of Pedro Berrizbeitia with regard to "the laws in force under Venezuelan criminal procedure regarding the role of the State as guarantor of the right to life" and to "due diligence." The President also considers that Mr. Berrizbeitia's opinion will refer specifically to the investigations conducted in the instant case, and could therefore be more appropriate to assess the existence of the alleged flaws in the investigation. Based on the principle of procedural economy and promptness, the President finds that it is unnecessary

to incorporate into the body of evidence the expert opinion provided by Magaly Vásquez with regard to the examination of Venezuela's criminal laws.

G. Final oral and written arguments and observations

30. The representative and the State may submit to the Court their respective final oral arguments on the merits and eventual reparations in this case after the testimony of the presumed victim, witness, and expert witnesses. As established in Article 51(8) of the Rules of Procedure, when the said arguments have concluded, the Inter-American Commission will present its final oral observations.

31. In accordance with Article 56 of the Rules of Procedure, the representatives and the State may present their final written arguments, and the Commission its final written observations on the merits and eventual reparations and costs, within the time frame established in the operative paragraphs of this Order.

THEREFORE:

THE PRESIDENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in accordance with Articles 24(1) and 25(2) of the Statute of the Court, and Articles 4, 15(1), 26(1), 31(2), 45, 46, 50 to 55 and 60 of the Court's Rules of Procedure, and also the Rules for the Operation of the Victims' Legal Assistance Fund,

DECIDES:

1. To require, for the reasons set out in this Order, based on the principle of procedural economy and in exercise of the authority granted him by Article 50(1) of the Court's Rules of Procedure of the Court, that the following persons provide their testimony by affidavit:

A. Presumed victims proposed by the representatives

1) *Yolanda Margarita González*, mother of Joe Luis Castillo González; 2) *Jaime Josué Castillo*, brother of Joe Luis Castillo González, and 3) *Julijay Castillo*, brother of Joe Luis Castillo González; who will testify on the alleged impact on themselves and their family.

B. Witnesses proposed by the representatives

2) *Luz Marina Márquez Frontado*, who was a member of the administrative staff of the Office for Social Action of the Apostolic Vicariate of Machiques, who will testify about: (i) her experience in working with Joe Castillo González, and (ii) other incidents that could be related to the attack on the life of Joe Castillo González and of the members of his family.

3) *Ricardo Soberón*, who will testify about: (i) his knowledge of some of the projects carried out by Joe Luis Castillo owing to his work on the border between Colombia and Venezuela, and (ii) the danger that human rights defenders faced in the area.

C. Witness proposed by the State

4) *Ildefonso Rafael Finol Ocando*, economist, member of the 1999 Constituent Assembly for the state of Zulia, Director of the Zulian Institute for Border Affairs, specialist in border affairs between the Republic of Colombia and the Bolivarian Republic of Venezuela, who will testify about: the reality faced by those displaced or the refugees from Colombian territory who, over time, have been aided by the Venezuelan State.

D. Expert witnesses proposed by the representatives

5) *Raúl Cubas*, graduate in business administration, who will refer to: (i) the situation in the state of Zulia at the time of the facts and in the border area of the municipality of Machiques; (ii) the alleged context of violence in the area, owing both to the influx of illegal armed groups, and the peasant land struggles; (iii) the supposed effects of this context on the work of the human rights defenders, and iv) the lines of investigation that could have been followed up on in the case according to the evidence in the case file.

6) *Pedro Berrizbeitia*, lawyer, who will refer to: (i) the laws in force under Venezuelan criminal procedure regarding the role of the State as guarantor of the right to life, and (ii) the circumstances that have contributed to the alleged impunity in this case, analyzing the domestic investigations, including the follow-up on logical lines of investigation.

7) *Alfredo Infante*, Jesuit priest, former Director of the Jesuit Refugee Service in Latin America and the Caribbean and former Coordinator of this organization, who will refer to: (i) the risks that exist in the border area between Venezuela and Colombia, and (ii) the implications of such risks for the efforts of humanitarian workers and human rights defenders who work with the refugee population.

8) *Claudia Samayoa*, Coordinator of the Unit for the Protection of Human Rights Defenders - Guatemala (UDEFEQUA), who will refer to: (i) the measures of protection for human rights defenders in dangerous situations, and (ii) the criminal investigation of patterns of human rights violations against them.

9) *Claudia Carrillo*, psychologist, who will refer to: (i) the supposed impact on Yelitze Lisbeth Moreno Cova, Luis César Castillo Moreno, Yolanda Margarita González, Jaime Josué Castillo González and Julijai Castillo González of the violations of their human rights, in particular because of the execution of Joe Luis Castillo González and the attempt on the life of his wife Yelitza Lisbeth Moreno and his son Luis César, and (ii) the supposed impact on the family group as a whole of all the alleged problems suffered, in particular the shock and post-traumatic stress resulting from the attack.

2. To require the representatives and the State, in accordance with considering paragraph 17 of this Order, and within the non-extendible time frame that expires on February 14, 2012, to submit any questions they consider pertinent to ask through the Inter-American Court of the presumed victims, witnesses and expert witnesses mentioned in the first operative paragraph. The testimony and the expert opinions must be submitted by February 22, 2012, at the latest.

3. To require the representatives and the State to coordinate and take the necessary measures so that, when the questions of the parties have been received, if applicable, the proposed deponents and the expert witness include the respective answers in their affidavits, in accordance with considering paragraph 17 of this Order.

4. To require that, when the testimony and expert opinions required in the first operative paragraph have been received, the Secretariat of the Court forward them to the other parties so that, if they consider it necessary, the representatives and the State may submit their observations on the testimony and expert opinions in their final written arguments.

5. To convene the representatives, the State and the Inter-American Commission to a public hearing to be held, during the Court's ninety-fourth regular session, at its seat on March 2, 2012, starting at 9 a.m., to receive their final oral arguments and final oral observations, respectively, on the merits and eventual reparations and costs, and to receive the testimony of the following:

A. *Presumed victim proposed by the representatives*

1) *Yelitze Lisbeth Moreno Cova*, wife of Joe Luis Castillo González, who will testify about: (i) the work of her husband, Joe Luis Castillo González; (ii) the events that she witnessed as a presumed victim; (iii) the supposed difficulties suffered and harm to her private life and that of her son, and (iv) the aspects of the investigation into the facts that she took part in or of which she is aware.

B. *Witness proposed by the State*

2) *Elvis José Rodríguez Moreno*, Eighty-third Prosecutor of the Public Prosecution Service, who will testify on the measures taken by the Prosecutors who intervened in the investigation into the attack on Joe Luis Castillo González.

C. *Expert witnesses*

a. Proposed by the representatives

3) *Michael Reed Hurtado*, lawyer, who will refer to: (i) the absence of exhaustive lines of investigation at the domestic level into the death of Joe Luis Castillo González; (ii) the need to carry out a comprehensive investigation, using "all available evidence," especially when crimes are committed in the context of patterns of human rights violations or in the presence of organized crime.

b. Proposed by the State

4) *Antonio Uribarrí*, former Ombudsman of the state de Zulia, who will refer to the context of violence resulting from the displacement towards Venezuela of insurgency movements.

6. To call upon the State to facilitate the exit from and entry into its territory of the presumed victim deponent and the expert witnesses, if they reside or are in that country, who have been summoned in this Order to testify at the public hearing on merits and eventual reparations and costs, in accordance with the provisions of Article 26(1) of the Court's Rules of Procedure.

7. To require the representative and the State to notify this Order to the persons they have proposed and who have been summoned to testify, in accordance with the provisions of Article 50(2) and 50(4) of the Rules of Procedure.

8. To inform the representatives and the State that they must cover the costs arising from producing or contributing the evidence they have proposed, in accordance with the provisions of Article 60 of the Rules of Procedure.
9. To require the representative and the State to inform the deponents summoned by the Court to testify that, under the provisions of Article 54 of the Rules of Procedure, the Court will advise the State, for the purposes established in the relevant domestic laws, of any case in which those summoned to appear or to testify, do not appear or refuse to testify without legitimate cause or when, in the Court's opinion, they have violated their oath or solemn declaration.
10. To inform the representatives, the State, and the Inter-American Commission that, following the testimony given at the public hearing, they may present to the Court their final oral arguments and final oral observations, respectively, on the merits and eventual reparations in the instant case.
11. To require the Secretariat of the Court, in accordance with the provisions of Article 55(3) of the Rules of Procedure, to forward to the representatives, the State, and the Inter-American Commission, as soon as possible, a copy of the recording of the public hearing on the merits and eventual reparations.
12. Not to incorporate into the body of evidence in the instant case, in the terms of considering paragraph 8, the expert opinion provided by Magaly Vásquez at the public hearing in the *case of the Barrios Family v. Venezuela*, "with regard to the examination of Venezuela's criminal laws."
13. To inform the representatives, the State, and the Inter-American Commission that they have until April 3, 2012, to present their final written arguments and final written observations, respectively, with regard to the merits and eventual reparations. This time frame is non-extendible and irrespective of the forwarding of the copy of the recording of the public hearing.
14. To establish, in accordance with Article 4 of the Court's Rules for the Operation of the Victims' Legal Assistance Fund, that the Secretariat of the Court open an expense file where each expenditure made with resources from the Victims' Legal Assistance Fund will be documented.
15. To require the Secretariat of the Court to notify this Order to the representatives of the presumed victims, the State, and the Inter-American Commission.

Diego García-Sayán
President

Emilia Segares Rodríguez

Deputy Secretary

So ordered,

Diego García-Sayán
President

Emilia Segares Rodríguez
Deputy Secretary