

**ORDER OF THE PRESIDENT OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS**

**OF MAY 31, 2012**

**CASE OF RIO NEGRO MASSACRES v. GUATEMALA**

**HAVING SEEN:**

1. The brief submitting the case filed by the Inter-American Commission on Human Rights (hereinafter, "the Inter-American Commission" or "the Commission") with the Inter-American Court of Human Rights (hereinafter, "the Inter-American Court", "the Court" or "the Tribunal") on November 30, 2010, by means of which it offered three expert opinions. The Commission indicated the object of said expert opinions but it only identified one of the expert witnesses.
2. The communication of January 31, 2011, by means of which the Inter-American Commission on Human Rights forwarded the *curriculum vitae* of one of the expert witnesses proposed in the brief submitting the case.
3. The note of the Tribunal's Secretariat of February 3, 2011, by which, among other things, it requested the Inter-American Commission to indicate the missing name of one of the expert witnesses proposed in the brief submitting this case.
4. The communication of February 22, 2011, by means of which the Commission indicated the missing name of one of the expert witnesses and forwarded the expert's *curriculum vitae* (*supra* Having Seen clause 3).
5. The brief containing the pleadings, motions and evidence (hereinafter, "brief of pleadings and motions") submitted by the representatives of the alleged victims (hereinafter, also the "representatives")<sup>1</sup> on June 7, 2011, by which they offered five statements of alleged victims and two expert opinions. In addition, the brief of June 11, 2011, by means of which the representatives requested the intervention of an interpreter of *Maya Achi* language and indicated the name of the person that may serve as interpreter of the "statements" rendered by the witnesses.
6. The brief containing the answer to the brief submitting the case and of observations to the brief of pleadings and motions (hereinafter, "brief of answer") filed

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<sup>1</sup> The alleged victims appointed *Asociación para el Desarrollo Integral de las Víctimas de la Violencia en las Verapaces, Maya Achi* (ADIVIMA) as their representative.

by the Republic of Guatemala (hereinafter, also the "State" or "Guatemala") on November 22, 2011, by means of which it offered one testimony.

7. The note of the Tribunal's Secretariat of March 23, 2012, by which, on the President's instructions and in accordance with article 46.1 of the Tribunal's Rules of Procedure <sup>2</sup> (hereinafter, the "Rules of Procedure") the Court requested the Inter-American Commission, the representatives and the State to forward, no later than March 30, 2012, their respective definitive lists of declarants (hereinafter, "definitive lists") and indicate, based on the principle of procedural economy, to the Court their position as to which of the declarants offered should be summoned to the hearing, where applicable, and which declarants can render their statements through affidavits.

8. The briefs of March 30, 2012, by which the Inter-American Commission, the representatives and the State presented their definitive lists of declarants and indicated which of the declarants so offered could render their statements through affidavit and which declarants should be summoned to the hearing. By means of the respective brief, the representatives also offered a new statement to be rendered by an alleged victim and requested, in case such offering was not admitted, to replace a statement initially offered in the brief of pleadings and motions.

9. The note of the Tribunal's Secretariat of April 17, 2012, by which the Court granted the Commission, the representatives and the State a term of 10 days to present the observations they deem pertinent regarding the definitive lists of the Inter-American Commission, the representatives and the State, respectively.

10. The communication of April 27, 2012, by which the Inter-American Commission asked for an extension to present its observations to the definitive lists of declarants of the representatives and of the State (*supra* Having Seen clause 9).

11. The brief of April 26, 2012 whereby the representatives pointed out that they had no observations to the definitive lists of the Inter-American Commission and the State. Moreover, the brief of April 27, 2012, whereby the State did not present observations to the definitive lists of declarants of the representatives and of the Inter-American Commission. Furthermore, the brief of May 4, 2012, whereby the Commission did not present observations to the definitive lists of declarants of the representatives and of the State, and requested the Court to interrogate one of the expert witnesses proposed by the representatives.

12. The communication of May 30, 2012, by which the Inter-American Commission indicated that, "due to *force majeure* reasons, [...], expert witness Juan Méndez would be unable" to attend the public hearing to be held in the instant case; therefore, it requested the Court to receive the expert opinion of Mr. Mendez "through affidavit".

**CONSIDERING THAT:**

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<sup>2</sup> Rules of Procedure approved by the Court during its LXXXV Ordinary Period of Sessions, held from November 16 to 28, 2009.

1. The offering and admission of evidence, as well as the convocation of alleged victims, witnesses and expert witnesses are governed by articles 35.1.f, 40.2.c, 41.1.c, 46, 47, 50, and 57 of the Tribunal's Rules of Procedure.

2. The testimonial and expert evidence was offered by the parties in time fashion, except for the testimonial evidence under the responsibility of Mrs. Maria Osorio Chen, which was offered by the representatives upon the presentation of their definitive list of declarants (*supra* Having Seen clause 8).

3. In the definitive list, the representatives offered, for the first time, a statement to be rendered by Maria Osorio Chen, alleged victim and requested the Court, in case said offering was not admitted, to replace the offering of the statement to be rendered by Antonia Osorio Sánchez, alleged victim, made in the brief of pleadings and motions, by the statement of Mrs. Maria Osorio Chen. Nor the offering or its replacement was objected by the Commission or the State.

4. Upon confirming the only testimony offered by the State in its brief of answer, it pointed out that Mr. Manuel Geovanni Vásquez Vicente, person who shall render such a statement, "had been proposed as Deputy Prosecutor of the Unit of Special Cases regarding the Internal Armed Conflict of the Human Rights Section of the Office of the Prosecutor", but that on March 6, 2012, the Office of the Prosecutor had informed that said person was reassigned to another office. Therefore, the State indicated that Mr. Vásquez Vicente would render his statement about the actions taken related to the investigation, proceeding and punishment in the instant case, as it was offered in the brief of answer, but up to December 2011, in view of the situation previously mentioned. Nor the Commission or the representatives objected to the time frame of the object of said statement.

5. The Court ensured the parties the right to defense regarding the evidence offered in their brief submitting the case, brief of pleadings and motions and brief of answer, as well as in their definitive lists (*supra* Having Seen clauses 9 and 11).

6. Nor the Inter-American Commission or the representatives and the State objected to the definitive lists, respectively. The State only referred to the manner in which the testimonies and expert opinions offered by the representatives should be rendered, an issue that falls upon the President to determine, but it did not object to the relevance of said items of evidence or the persons proposed to such end.

7. The President considers convenient to gather the evidence offered by the representatives and the State which was not objected, in order for the Tribunal to assess it in time fashion, within the context of the existing body of evidence and based on sound judgment. This Presidency shall define the object of these statements and the manner in which they shall be received in this Order (*infra* operative paragraphs 1 and 5).

8. In this Order, the following aspects shall be addressed: a) expert evidence offered by the Inter-American Commission; b) the Inter-American Commission's request to interrogate one of the expert witnesses offered by the representatives; c) representatives' request for an interpreter in relation to the statements of the alleged victims; d) manner of the statements of the alleged victims and witness, and expert opinions, and e) arguments and final written and oral observations.

**A. Expert evidence offered by the Inter-American Commission**

7. According to the terms of 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”, the object of which must be adequately founded. This provision means that the appointment of expert witnesses by the Commission is an exceptional opportunity that is subject to a requirement, which is not satisfied by the mere fact that the item of evidence to be received is related to an alleged human rights violation. The “Inter-American public order of human rights must be affected in a significant manner,” and it falls upon the Commission to uphold such a situation.<sup>3</sup>

8. The Inter-American Commission offered three items of expert evidence in the following terms:

- Juan Méndez. “[A]ttorney, who shall refer to the issue of genocide from the point of view of the international law, applied to the instant case, as well as the lack of effective responses from the Guatemalan judiciary towards said problem”.
- Rosalina Tuyuc Velásquez. “[W]ho shall refer to the effects on the Mayan Indigenous People (specially in the area of Rabinal) within the context of the Guatemalan internal armed conflict, including the massacres, rapes, forced labour and forced disappearances”.
- Fredy Armando Peccerelli Monterroso. “[W]ho shall refer to the international standards in relation to the methodology of exhumations of clandestine graves. Moreover, he shall refer to the specific case of Guatemala, the obstacles to conduct the exhumations in said country and the measures that must be adopted to shed light on the facts”.

9. The State and the representatives did not object to the offering of these expert opinions and the persons proposed to such end.

10. In its definitive list, the Commission indicated that the expert opinion to be rendered by Mr. Juan Méndez “would allow the Court to establish the international standards on human rights and international humanitarian law in relation to genocide and [consider] the relevance, from the point of view of the human rights, of having a comprehensive view of the crime”. It also mentioned that “these elements would allow the Court to define standards in the field of access to justice and due diligence in the investigation of human rights violations committed in contexts like the one of the instant case”. The Presidency considers that some of the aspects of the expert opinion of Mr. Méndez deal with issues that may be of relevance to the Inter-American public order, in particular, in relation to the issue of genocide from the point of view of the international law, since it goes beyond the specific interests of the parties to the instant case. Therefore, it is deemed appropriate to admit said expert opinion, which shall be assessed in time fashion, within the context of the existing body of evidence

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<sup>3</sup> See Case of Pedro Miguel Vera Vera et al V. Ecuador. Order of the President of the Inter-American Court of Human Rights December 23, 2010; considering clause nine. *Case of the El Mozote Massacre V. El Salvador*. Order of the President of the Inter-American Court of Human Rights of March 22, 2012, Considering Clause seventeen.

and on the basis of sound judgment. The object and receipt thereof shall be defined in the operative paragraph of this Order (*infra* Operative Paragraph one).

11. Moreover, in its definitive list, the Inter-American Commission indicated that the expert opinion of Mrs. Rosalina Tuyuc Velásquez would allow the Tribunal to consider the elements regarding the specific impact that an internal armed conflict may have on an indigenous village, "which, in addition, is considered to be counterinsurgent and a military target". Moreover, said expert opinion would provide "elements with the Court regarding the multiple acts of violence suffered by the *Maya* people and how such acts affected their culture, taking into account the standards applicable to the rights of indigenous people". The Presidency considers pertinent to admit the expert opinion to be rendered by Mrs. Rosalina Tuyuc Velásquez, since some of the aspects of the object thereof are related to issues of the Inter-American public order, specially in relation to the alleged impact on the culture of the Mayan indigenous people in alleged contexts of internal violence, in light of the rights of indigenous peoples". The foregoing goes beyond the specific interests of the parties to the instant case. The object and receipt of this expert opinion shall be defined in the operative paragraph of this Order (*infra* Operative Paragraph five).

12. Moreover, the Presidency considers pertinent to admit the expert opinion to be rendered by Fredy Armando Peccerelli Monterroso, given that the evidence offered may contribute to strengthen the needs for protection of the Inter-American System of Human Rights, by means of the establishment of general parameters regarding the State's obligations within the framework of exhumation proceedings, which goes beyond the specific interests of the parties in a specific case, involving all of its member, for which it significantly affects the Inter-American public order of the human rights.<sup>4</sup> Such expert opinion shall be assessed in time fashion, within the context of the existing body of evidence and based on sound judgment. The object and receipt of said expert opinion shall be defined in the operative paragraphs of this Order (*infra* Operative Paragraph 1).

***B. Request of the Inter-American Commission to interrogate one of the expert witnesses offered by the representatives***

13. The representatives proposed Mr. Michael Paul Hermann Mörth as expert witness in order for him to refer to "the length and thoroughness of the investigation in the instant case; the lack of good will in the investigations into the first trials; the poor conditions to conduct investigations into facts of such an importance; as well as the lack of the Guatemalan judiciary in relation to the legal classification of the facts and the lack of legal technical capacity of the judges to judge grave human rights violations".

14. The Inter-American Commission requested to interrogate expert witness Hermann Mörth "as long as his opinion relates to the expert opinion of Juan Méndez [...]", upon considering that "both expert opinions are of the Inter-American public order" and because "they would allow the Court to have a comprehensive view of the crime of genocide and of the response given at the Guatemalan judicial level".

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<sup>4</sup> See *Case of El Mozote Massacres V. El Salvador*. Order of the Court's President, *supra* note 3, considering clause twenty-one.

15. In this respect, the Presidency recalls the criteria established in the Rules of Procedure currently in force as to the receipt of the statements proposed by the Commission, as well as in relation to the Commission's power to interrogate the declarants offered by the other parties.<sup>5</sup>

16. In particular, in accordance with the terms of article 50.5 of the Court's Rules of Procedure, together with article 52.3 thereof, the Commission has the possibility of interrogating the declarants proposed by the other parties, "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". Therefore, it is up to the Commission to present a well-founded reason to demonstrate there is a connection with the Inter-American public order or with the topic included in the statement in question, for the Court or its Presidency to assess the request in time fashion and, if applicable, to authorize the possibility for the Commission to interrogate.

17. The President notes that the object of the expert opinion of Michael Paul Hermann Mörth, offered by the representatives, refers to issues connected to this specific case and problems of the Guatemalan judiciary. However, in its observations to the definitive lists of the representatives and of the State, the Commission did not indicate how said expert opinion is connected to the issue of genocide about which the expert opinion to be rendered by Juan Mendez, offered by the Commission, will deal with (*supra* Considering clause 10 and *infra* Operative Paragraph 1) or to the Inter-American public order. Therefore, the Commission's request to interrogate expert witness Hermann Mörth is dismissed (*supra* Considering clause 14).

***C. Representatives' request for an interpreter in relation to the statements of the alleged victims***

18. The representatives requested the Court to allow the intervention of an interpreter due to the fact that "all witnesses shall render their statement in *Maya Achi* language". Therefore, the representatives proposed Mr. Tomás Marcelino Alonzo Teletor and submitted his *curriculum vitae* to the Court.

19. In view of the fact that nor the Inter-American Commission or the State objected to this request, having had the procedural opportunity to do so, and taking into account the characteristics of the case, the Presidency deems necessary to count on the intervention of Mr. Tomás Marcelino Alonzo Teletor to serve as a *Maya Achi* interpreter at the public hearing to be held in the instant case. Mr. Alonzo Teletor shall intervene during the statements of the alleged victims proposed by the representatives, according to this Order (*infra* Operative paragraphs 5 and 8).

***D. Receipt of the statements of the alleged victims and witness and of the expert opinions***

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<sup>5</sup> See *Case of Gonzalez Medina and next-of-kin v. Dominican Republic*. Order of the President of the Inter-American Court of Human Rights of June 3, 2011; considering clause forty-nine. *Case of the El Mozote Massacre V. El Salvador*. Order of the Court's President, *supra* note 3, considering clause twenty-nine.

20. The Inter-American Commission indicated that the expert opinion of Mrs. Rosalina Tuyuc Velásquez could be rendered at the public hearing, while the expert opinions of Mr. Fredy Armando Peccerelli Monterroso and Mr. Juan Mendez could be rendered through affidavits. To this end, the State indicated that the statement of Mr. Manuel Geovanni Vásquez Vicente, only testimony offered by the State, could be rendered through affidavit. Finally, the representatives requested the Tribunal that the eight statements offered by it be rendered at the public hearing. However, in case this is not possible, they indicated an order of priority for the testimonial as well as the expert evidence to be taken into consideration by the Court when determining which of said statements should be rendered at the public hearing and which of them should be rendered through affidavit.

21. It is necessary to ensure the most complete presentation of the facts and arguments of the parties in order to appropriately solve the issues at dispute, guaranteeing the parties the right to defend their own positions as well as the possibility of adequately dealing with the cases submitted to the consideration of the Court, bearing in mind that the number of cases is considerable higher than before and it is constantly increasing. Moreover, it is necessary to guarantee a reasonable term in the length of the proceeding, as required by the right to an effective access to justice. Based on the foregoing, it is essential to receive the higher number of testimonies and expert opinions rendered through affidavits possible and at the public hearing, listen to those alleged victims, witnesses and expert witnesses whose direct statements are truly indispensable, taking into account the circumstances of the case and the object of the testimonies and expert opinions.

#### ***D.1 Statements to be rendered through affidavit***

22. Taking into account the terms of article 50.1 of the Rules of Procedure, what was indicated by the Inter-American Commission, the representatives and the State, the object of the statements so offered, as well as the principle of procedural economy, the President deems convenient to receive, through affidavit, the statements of Maria Eustaquia Uscap Iboy, Antonia Osoria Sánchez, Bruna Perez Osorio and Maria Osorio Chen, alleged victims proposed by the representatives and the testimony of Mr. Manuel Geovanni Vásquez Vicente, proposed by the State. Moreover, the President deems pertinent to receive, also through affidavit, the expert opinions of Mr. Juan Méndez and Fredy Armando Peccerelli Monterroso, proposed by the Inter-American Commission, and the expert opinion of Mr. Alfredo Itzep Manuel, proposed by the representatives.

23. The President emphasizes that article 50.5 of the Court's Rules of Procedure contemplates the possibility for the alleged victims or their representatives and the respondent State of formulating questions in writing for the declarants convened to render their statement through affidavits. Pursuant to the terms of the regulatory provision so mentioned, the President proceeds to give the State and the representatives an opportunity to present, if they wish so, the questions they deem pertinent for the declarants of the opposing party and of the Inter-American Commission referred to in the above paragraph. Upon rendering their statements through affidavits, the alleged victims, the witness and the expert witnesses must respond to such questions, unless the President decides otherwise. The corresponding time limits shall be stipulated in operative paragraph two of this Order. The statements before mentioned shall be transmitted to the Inter-American Commission, the State and the representatives. In turn, the State and the representatives may present the

observations they deem pertinent within the time limit indicated in this Order (*infra* operative paragraph 4). The evidentiary value of said statements shall be determined by the Tribunal in time fashion, which will consider the points of view, if applicable, expressed by the State and the representatives in the exercise of their right to defense.

#### ***D.2 Statements to be received at the public hearing***

24. The proceedings in the instant case are set for the oral trial to start as to the preliminary objection, merits, reparations and legal costs, for which the President deems pertinent to convene a public hearing in order to receive the statements of Jesús Tecú Osorio and Carlos Chen Osorio, alleged victims and the expert opinion of Michael Paul Hermann Mörth, all of them proposed by the representatives, and the expert opinion of Rosalina Tuyuc Velásquez, proposed by the Inter-American Commission.

#### ***E. Final oral and written arguments and observations***

25. Once the alleged victims and expert witness have rendered their statements, the representatives and the State may present before the Tribunal their final oral arguments regarding the preliminary objection, merits, and possible reparations and legal costs in the instant case. As established in article 51.8 of the Rules of Procedure, once the oral arguments have concluded, the Commission shall present its final oral observations.

26. According to article 56 of the Rules of Procedure, the alleged victims or their representatives, the State and the Commission may present their final written arguments and final written observations, respectively, in relation to the preliminary objection, merits and possible reparations and legal costs, within the term established in Operative Paragraph twelve of this Order.

**THEREFORE:**

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

Pursuant to Articles 24.1 and 25.2 of the Statute of the Court and Articles 4, 15.1, 26.1, 31.2, 35.1, 40.2, 41.1, 45, 46, 50 to 56, and 60 of the Rules of Procedure of the Tribunal,

**DECIDES:**

1. To require, based on the reasons established in this Order (*supra* Considering clause 22), according to the principle of procedural economy and in exercise of the

authority vested in it by article 50.1 of the Court's Rules of Procedure, that the following persons render their statements through affidavit:

***Alleged victims proposed by the representatives***

- 1) *María Eustaquia Uscap Iboy*, who shall render a statement about: the facts that occurred on March 13, 1982; the alleged executions of women and children she witnessed and the manner in which they were carried out; how she suffered by being allegedly a rape victim when she was 14 years old and how she was kidnapped by a patrol of *Autodefensas Civil* of Xococ; her stay in said community and how she was allegedly subjected to servitude and slavery.
- 2) *Antonia Osorio Sánchez*, who shall render a statement about: the facts that occurred in Los Encuentros on May 14, 1982; how she could allegedly escape from the alleged raid of the Guatemalan Army and patrols of *Autodefensas Civil*; her living conditions in the mountains of Rabinal; how she was allegedly forced to seek refuge for several months in said place and the inhumane treatment that she apparently had to undergo to save her life; the manner in which her living conditions had changed, particularly when she lived in Rio Negro before the alleged massacres and how she currently lives in Colonia Pacux.
- 3) *Bruna Pérez Osorio*, who shall render a statement about: the life in Rio Negro; the *Achi maya* practices for a woman in the community; their culture, celebrations and how they were lost after the alleged massacres committed against said community; how the overcrowding in Colonia Pacux allegedly affected the normal development of their children; how they lost their cultural identity and how the effects of the current alleged repression and poor conditions resulted in the loss of the values of the *Maya Achi* culture within her family.
- 4) *Maria Osorio Chen*, who shall render a statement about: the manner in which she could allegedly escape from the massacre committed on March 13, 1982, and the alleged displacement to the mountains of Rio Negro in Rabinal, for a long period of time; the alleged persecution and repression suffered as survivor of Rio Negro; the alleged conditions sustained as an orphan without the protection of relatives; the internal criminal proceeding in which her mother, who was pregnant at the moment of her alleged execution, was identified upon exhumation; and the alleged impunity and lack of will of the State to investigate and punish the responsible.

***Witness proposed by the State***

- 1) *Manuel Geovanni Vásquez Vicente*, who shall render a statement about: the proceedings carried out by the State until December 2011, oriented to investigate, prosecute and punish the responsible for the different massacres committed in the community of Rio Negro.

***Expert witnesses proposed by the Inter-American Commission***

- 1) **Juan Mendez**, who shall render an expert opinion about: the issue of genocide from the point of view of the international law, as well as the correct behavior of the judiciary before such a problem.
- 2) **Fredy Armando Peccerelli Monterroso**, who shall render a statement about: the international standards in relation to the methodology of the exhumations of clandestine graves; the obstacles to perform the exhumations in Guatemala and the measures that, in relation to the exhumations, must be adopted to shed light on the facts.

***Expert witness proposed by the representatives***

- 1) **Alfredo Itzep Manuel**, who shall render an expert opinion regarding: the form of organization of the community of Rio Negro as an *Achi Maya* community, in relation to its ancestral culture and its ethnic identity; the alleged social and cultural effects that had affected the survival of the culture and the *maya* spirituality as alleged consequences of the forced displacement and the alleged submission to poor living conditions in the settlement of Pacux.
2. To require the State and the representatives to forward, if deem pertinent and within the non-renewable term expiring on June 8, 2012, the questions they deem pertinent to ask through the Inter-American Court to the alleged victims, witness and expert witnesses indicated in operative paragraph one of this Order. The statements required in operative paragraph one must be presented to the Tribunal by June 19, 2012, at the latest.
3. To require the Inter-American Commission, the representatives and the State to coordinate and take the necessary actions for the declarants so proposed to include, once the questions from the representatives and the State have been received, the respective answers in their statements rendered through affidavits, according to Considering clause 22 of this Order.
4. To require the Secretariat of the Inter-American Court, once the statements required in operative paragraph one have been received, to transmit them to the Inter-American Commission, the representatives and the State. If the representatives and the State deem it necessary, they may present their observations to said statements together with their final written arguments, at the latest.
5. To convene the Republic of Guatemala, the representatives of the alleged victims and the Inter-American Commission on Human Rights to a public hearing to be held in San José, Costa Rica, during the 95° Regular Period of Sessions, on June 19, 2012, as from 3 p.m., and on June 20, 2012, as from 9 a.m., to receive the final oral arguments and the final oral observations, respectively, regarding the preliminary objection, merits and possible reparations and legal costs, as well as to receive the statements of the following people:

***Alleged victims proposed by the representatives***

- 1) **Jesús Tecú Osorio**, who shall render a statement about: The facts that occurred in the alleged massacre of March 13, 1982 in the community of Rio Negro, which allegedly concluded with the massacre in Pacoxom mountain; the alleged execution of women and children of Rio Negro community he knows for a fact;

how he subsequently was allegedly kidnapped by members of patrols of *Autodefensas Civil* of the community of Xococ; how he was allegedly subjected to servitude and slavery; how he endured acts of violence as a child; the actions he took in order to access justice and to determine the responsible for the massacres committed against the members of Rio Negro community; the alleged denial of justice and the compliance with the duty to investigate and punish serious human rights violations.

- 2) *Carlos Chen Osorio*, who shall render a statement about: his life in Rio Negro and his family; how he survived to the alleged raids of the security bodies in the execution of the leaders of Rio Negro; how he could escape from the alleged massacre that occurred on February 13, 1982, against a group of men of said community; the alleged execution of women and children of the Rio Negro community that took place on that day; how he had to seek refuge in the mountains together with survivors of the community; how he knew in advance about the raid of the Army and Patrols of *Autodefensas Civil* of Xococ in Los Encuentros on May 14, 1982; the actions tending to access justice; the multiple threats and his life in alleged inhuman conditions in the mountains and his incorporation into the settlement of Pacux.

#### ***Expert witness proposed by the representatives***

- 1) *Michael Paul Hermann Mörth*, who shall render an expert opinion about the length and thoroughness of the investigation in the instant case; the alleged lack of good will in the investigations into the first trials; the poor conditions to conduct investigations in to facts of such an importance; as well as the lack of the Guatemalan Judiciary in relation to the legal classification of the facts and the lack of legal technical capacity of the judges to judge grave human rights violations”.

#### ***Expert witness proposed by the Inter-American Commission***

- 1) *Rosalina Tuyuc Velásquez*, who shall render an expert opinion about the effects of internal armed conflicts on the *Maya* indigenous people, particularly, of alleged acts like massacres, rapes, forced labor and forced disappearances.
6. To order the Republic of Guatemala to contribute to the exit from and entrance to its territory of declarants, if they reside in it, who have been summoned by this Order to render a statement at the public hearing in this case, pursuant to the terms of Article 26.1 of the Rules of Procedure of the Court.
7. To require the Inter-American Commission, the State and the representatives to notify this Order to the declarants they proposed, who have been summoned to render a statement, according to the terms of articles 50.2 and 50.4 of the Rules of Procedure.
8. To inform the Inter-American Commission, the State and the representatives that they must cover the costs generated by the production of items of evidence offered by them, in accordance with Article 60 of the Rules of Procedure. Moreover, to inform the representatives that they must manage and cover the costs generated by the intervention, at the public hearing, of the interpreter proposed by them.

9. To require the Inter-American Commission, the State and the representatives to inform the persons convened by the Court to render a statement that, according to the terms of article 54 of the Rules of Procedure, the Tribunal shall bring to the State's attention the cases in which the persons summoned to appear or declare before the Court fails to appear or refuses to render a statement without legitimate cause, or the cases in which, in the opinion of the Court, he or she has violated his or her oath or solemn declaration, so that appropriate action may be taken under the relevant domestic legislation.

10. To inform the representatives, the State and the Inter-American Commission that, once the statements are rendered at the public hearing, they shall present before the Tribunal their final oral arguments and final oral observations, respectively, to the preliminary objection, merits and possible reparations and legal costs in the instant case.

11. To order the Secretariat of the Court, according to the terms of article 55.3 of the Rules of Procedure, to indicate to the Inter-American Commission, the representatives and the State the link to the recording of the public hearing on the preliminary objection, merits, and possible reparations and legal costs, as soon as possible.

12. To inform the representatives, the State and the Inter-American Commission that the time limit established to present the final written arguments and final written observations, respectively, as well as possible documents attached thereto, in relation to the preliminary objection, merits and possible reparations and legal costs in this case, expires on July 20, 2012. This term is non-renewable.

13. To order the Secretariat of the Inter-American Court to notify this Order to the Inter-American Commission on Human Rights, the representatives of the alleged victims and the Republic of Guatemala.

Diego García-Sayán  
President

Pablo Saavedra Alessandri  
Secretary

So ordered

Diego García-Sayán  
President

Pablo Saavedra Alessandri  
Secretary