

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

DECEMBER 20, 2012

CASE OF LUNA LOPEZ v. HONDURAS

HAVING SEEN:

1. The brief submitting the case presented by the Inter-American Commission on Human rights (hereinafter "the Inter-American Commission" or "the Commission") before the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "the Court") on November 10, 2011, in which it offered two expert opinions.

2. The brief of pleadings, motions and evidence (hereinafter "brief of pleadings and motions") submitted by the representatives of the alleged victims (hereinafter "the representatives") on April 21, 2012, in which they offered seven statements of alleged victims, one testimonial statement and three expert opinions. The representatives also asked the Court to include the expert opinion rendered by the lawyer Clarisa Vega at the public hearing in the case of Jeannette Kawas Fernández v. Honduras concerning the context of risk, violence and impunity that affects environmentalists in Honduras.

3. The answer brief to the briefs submitting the case and containing pleadings and motions (hereinafter "answer brief") submitted by the State of Honduras (hereinafter "the State") on August 3, 2012, in which it offered two testimonies.

4. The notes of the Secretariat of November 14, 2012, in which, pursuant to Article 46(1) of the Rules of the Court, the State, the representatives and the Inter-American Commission were asked to forward their respective definitive lists of deponents (hereinafter "definitive lists") and, for reasons of procedural economy, to indicate which deponents could render their statements by affidavit and which should be summoned to testify at a public hearing.

5. The briefs of November 28 and 30, 2012, in which the Inter-American Commission, the State and the representatives submitted their respective definitive lists. The Commission confirmed the expert evidence offered previously and requested that the two expert witnesses be summoned to testify at a public hearing. The representatives indicated that six statements and one expert opinion could be rendered by affidavit, and that two deponents and two expert witnesses should be summoned to testify at a public hearing. The State confirmed the two statements

previously offered and requested that the two deponents be summoned to testify at a public hearing.

6. The notes of the Secretariat of December 5, 2012, in which the definitive lists were transmitted to the parties and they were granted a period until December 12, 2012 to submit any observations deemed pertinent to the respective lists.

7. The briefs of December 12, 2012, in which the Commission presented its observations to the lists of deponents of the parties and the representatives indicated that they had no observations to make. For its part, the State submitted no observations in this regard.

CONSIDERING THAT:

1. The offer and admission of evidence, together with the summons of alleged victims, witnesses and expert witnesses, are regulated in Articles 35(1)(f), 40(2)(c), 41(1)(c) 46, 50 and 57 of the Rules of the Court.

2. The Court guaranteed the parties the right of defense in respect of the offers of evidence contained in their briefs submitting the case and of pleadings and motions, as well as in their definitive lists (*supra* Having Seen 6).

3. In this Order, the President shall consider the following aspects: a) the admissibility of the expert evidence offered by the Inter-American Commission; b) the admissibility of the statements of the alleged victims, testimonial evidence, expert evidence and the request to include the expert opinion offered by the representatives; c) the admissibility of the statements offered by the State; d) the request by the Commission to formulate questions to the expert witnesses offered by the representatives and the State; e) the manner in which the statements and expert opinions shall be rendered f) the final oral and written arguments and observations.

A. Expert evidence offered by the Inter-American Commission

4. Article 35(1) (f) of the Rules provides for the "possible appointment of expert witnesses" by the Inter-American Commission, with due justification of the grounds and object of such appointment "when the Inter-American public order of human rights is affected in a significant manner." The implication of this provision is that the appointment of expert witnesses by the Commission is an exceptional circumstance, subject to that requirement, which is not satisfied by the mere fact that the evidence to be produced 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 is up to the Commission to justify that situation."¹

5. In this case, the Commission offered the expert opinions of Messrs. Michael Reed-Hurtado and Frank la Rue. The first expert opinion offered refers to "international standards regarding the State's duty to provide protection in cases where human rights defenders are threatened, as well as the duty to combat the pattern of impunity

¹ *Case of Pedro Miguel Vera Vera et al. v. Ecuador*. Order of the President of the Inter-American Court of Human Rights of December 23, 2010, Considering paragraph 9, and *Case of Artavia Murillo et al. ("In-vitro Fertilization") v. Costa Rica*. Order of the President of the Inter-American Court of Human Rights of August 6, 2012, Considering paragraph 24.

of the actions that affect them, through the adoption of investigative protocols that take into account the risks inherent to the work of defending human rights.” The second expert opinion offered refers to “the link between exercising the defense of human rights and the right to political participation, as well as the effects caused by attacks on defenders who carry out or seek to carry out their work of promoting and protecting human rights from a public position” (*supra Having Seen 1*). In its definitive list, the Commission pointed out that the expert opinions proposed refer to the matters of inter-American public order raised by this case in relation to “the duty of States to provide protection for human rights defenders [...], the specific duty to investigate cases in which human rights defenders have been victims of human rights violations [and] the need to establish standards on the relationship between the exercise of the defense of human rights through political participation.”

6. The representatives indicated that they had no observations to make regarding the content of the aforementioned definitive lists. For its part, the State did not submit observations to the offer of the Commission.

7. With respect to the link between the object of the expert opinion of Mr. Michael Reed-Hurtado and the inter-American public order, the President takes note of the Commission’s observations (*supra Considering para. 4*) and deems it appropriate to admit the expert opinion. The analysis of the State’s obligations in relation to the duty of protection and due diligence and efficacy in investigating cases where human rights defenders are affected in the exercise of their profession, may indeed have an impact on situations that occur in other States Parties to the Convention. Therefore, the object of this expert opinion is a matter that affects the inter-American public order in a significant manner and transcends the specific facts of this case and the specific interest of the parties in litigation.

8. Also, regarding the link between the object of the expert opinion of Mr. Frank la Rue and the inter-American public order, the President considers that, although it is true that the object of that expert opinion is of great importance to the subject of human rights, the matter under consideration is within the purview, jurisdiction and authority of the Court, and has even been addressed in its own case law. Therefore, in this case, the President does not consider the expert opinion proposed to be essential and consequently rejects the proposal of the Commission.

9. The President recalls that the value of said expert opinion shall be assessed in due course, within the context of the body of evidence and according to the rules of sound judgment. Moreover, the object of that expert opinion and the means by which it will be provided shall be determined in the operative section of this Order (*infra Operative para. 1*).

B. Statements of alleged victims, testimonial evidence, expert evidence and request for the inclusion of the expert opinion offered by the representatives

10. In this case, the representatives offered seven testimonies of alleged victims and one witness statement from the following persons: César Luna Valle², Rosa

² The testimony of alleged victim Cesar Luna Valle, son of Carlos Antonio Luna López, refers to the facts of the case, the domestic proceedings undertaken to obtain justice, the threats received during this process and the damage and consequences he and his family suffered.

Margarita Valle Hernández³, Carlos Luna Valle⁴, Mariana Luna Valle⁵, Allan Luna Valle⁶, José Luna Valle⁷, Roger Luna Valle⁸ and Omar Menjívar Rosales⁹. Similarly, as expert evidence they offered three expert opinions rendered by the following persons: Luis Enrique Eguren¹⁰, Juan Antonio Mejía Guerra¹¹ and Alicia Neuburger¹². In turn, they asked the Court to include the expert opinion rendered by the lawyer Clarisa Vega at the public hearing in the *Case of Jeannette Kawas Fernández v. Honduras*, concerning the context of risk, violence and impunity that affects environmentalists in Honduras (*supra Having Seen para. 2*).

11. In presenting their definitive list, the representatives requested that the statements of César Luna Valle, Omar Menjívar Rosales, Luis Enrique Eguren and Juan Antonio Mejía Guerra be received at the public hearing in this case, while the rest of the testimonies and the expert opinion could be provided through a sworn statement rendered before a notary public (affidavit).

12. The Inter-American Commission stated that it had no observations to make to the definitive list submitted by the representatives. However, it requested an opportunity to question expert witnesses Luis Enrique Eguren and Juan Antonio Mejía, either at the hearing or in writing, given that their expert opinions are related to the

³ The testimony of the alleged victim Rosa Margarita Valle Hernández, wife of Carlos Antonio Luna López, refers to the facts of the case, the threats received and the damage and consequences that she and her family suffered as a result of her death of her husband Carlos Antonio Luna López.

⁴ The testimony of the alleged victim Carlos Luna Valle, son of Carlos Antonio Luna López, refers to the facts of the case, the domestic proceedings undertaken to obtain justice, the threats received during this process and the damage and consequences that he and his family suffered.

⁵ The testimony of the alleged victim Mariana Luna Valle, daughter of Carlos Antonio Luna López, refers to the facts of the case and the damage and consequences that he and his family suffered.

⁶ The testimony of the alleged victim Allan Luna Valle, son of Carlos Antonio Luna López, refers to the facts of the case and the damage and consequences that he and his family suffered.

⁷ The testimony of the alleged victim Jose Luna Valle, son of Carlos Luna López, refers to the facts of the case, and the damage and consequences that he and his family suffered.

⁸ The testimony of the alleged victim Roger Luna Valle, son of Carlos Luna López, refers to the facts of the case and the damage and consequences that he and his family suffered.

⁹ The testimony of Omar Menjívar Rosales, a lawyer and former prosecutor assigned to the case of Carlos Antonio Luna López, refers to the conduct of the investigations, the obstacles encountered in trying to punish all those responsible, the threats he received and the irregularities committed to delay the proceedings and ensure the impunity of some of those responsible.

¹⁰ The object of the expert opinion of Mr. Luis Enrique Eguren, Director of the Research and Training Unit on International Protection is to determine the basic and essential criteria to be considered in order to establish a global policy for the protection of human rights defenders and good practices and policies of this nature in other countries

¹¹ The object of the expert opinion of Mr. Juan Antonio Mejía Guerra, Masters in Philosophy and Agronomy, is to assess the context of risk, violence and impunity that affects human rights defenders in Honduras, including defenders of the environment, since the 1990s and up to the present date.

¹² The object of the expert opinion of Mrs. Alicia Neuburger, a psychologist with experience in the psychological treatment of victims of human rights violations, is to assess the impact suffered by Rosa Margarita Valle Hernández, Carlos Antonio Luna Valle, Cesar Augusto Luna Valle, Lubina Mariana Luna Valle, Allan Miguel Luna Valle, Jose Fredy Luna Valle and Roger Herminia Luna Valle due to the violations of their human rights, particularly the execution of Carlos Antonio Luna López.

objects of the expert opinions it has offered. For its part, the State made no observations to the offer of the representatives.

13. As to the testimonies and expert opinions offered by the representatives, the President considers it appropriate to obtain these, so that the Court may assess their value at the proper procedural moment, within the context of the existing body of evidence and according to the rules of sound judgment. Likewise, the object and means by which the testimonies and expert opinions will be rendered, shall be determined in the operative section of this Order (*infra Operative paras. 1 and 5*).

14. With respect to the request to include the expert opinion rendered by the lawyer Clarisa Vega in the *Case of Jeannette Kawas Fernández v. Honduras*, having regard to the principles of procedural economy and celerity, and considering that this expert opinion could prove useful in resolving this case,¹³ the President deems it appropriate to include the recording of the expert opinion of Mrs. Clarisa Vega rendered at a public hearing in the body of evidence of this case. Furthermore, the documentation presented before this Court by expert witness Clarisa Vega, in support of her expert opinion, will also be included in the case file.

C. Statements offered by the State

15. In its answer brief the State offered, in the first place, the statement of Mr. Adrián Octavio Rosales, a prosecutor at the Attorney General's Office of Honduras. This statement refers to the visit he received from Carlos Antonio Luna López and José Ángel Rosa Hernández; the way in which criminal trials were conducted under the Code of Criminal Procedure of 1984; and the progress made during his tenure at the Attorney General's Office in investigating the criminal liability of those involved in the death of Mr. Carlos Antonio Luna López.

16. In the second place, the State offered the testimony of Mr. Nery Velásquez, Assistant Human Rights Commission. That statement refers to the way in which the National Human Rights Commission (hereinafter "CONADEH"), provides assistance and adopts measures of protection in favor of citizens at risk in the exercise of their human rights; the way in which criminal trials were conducted under the Code of Criminal Procedure of 1984; and the indication of whether Mr. Carlos Antonio Luna López visited the offices of CONADEH to file a complaint or request protection because he felt his life was threatened. These statements were ratified in the definitive list of deponents submitted to the Court.

17. The Inter-American Commission indicated that from the briefs submitted by the State it is not clear in which capacity it offered the statements of Adrian Octavio Rosales and Nery Velásquez. Given their object, the Commission considered that the statement of Adrián Octavio Rosales, as a prosecutor who was directly involved in the case, is testimonial; meanwhile, the statement of Nery Velásquez, having the object of describing the functioning of a State institution in relation to the specific situation of human rights defenders, has the character of an expert opinion. In this regard, the Commission requested the opportunity to question Nery Velásquez, either at a hearing or in writing, given that the object of his statement is directly related to the expert opinion of Mr. Michael Reed-Hurtado, offered by the Commission. For their part, the

¹³ Cf. Case García Asto and Ramírez Rojas v. Peru. Order of the President of the Court of March 18, 2005, Considering paragraphs 7 to 10.

representatives said they had no observations to make regarding the evidence offered by the State.

18. The President takes note of the deponents confirmed in the definitive list of the State and considers it appropriate to receive the statements of Messrs. Adrián Octavio Rosales and Nery Velásquez. The value of the statements proposed by the State shall be assessed in due course, within the context of the body of evidence and according to the rules of sound judgment. The object and means by which the expert opinion will be rendered is specified in the operative section of this Order (*infra Operative paras. 1 and 5*).

D. Request by the Commission to formulate questions to expert witnesses offered by the representatives and the State

19. In its observations to the definitive lists provided by the representatives and the State, the Commission requested a verbal or written opportunity to formulate questions to expert witnesses Luis Enrique Eguren and Juan Antonio Mejía, proposed by the representatives, and to expert witness Nery Velásquez, proposed by the State. In this regard, it indicated that this request is based on the fact that the expert opinions are related to and directly complement the objects of the expert opinions offered by it. The Commission also explained that the questions it sought to ask would be limited to aspects directly related to the object of the expert opinions it has offered.

20. With regard to this request, the President recalls that the current Rules establish limits regarding the reception of statements proposed by the Commission, and also in relation to its authority to question the deponents offered by the other parties. According to Article 52(3) of the Rules, the Inter-American Commission may question an expert witness proposed by another party at the public hearing when the inter-American public order of human rights is substantially affected and his statement concerns some aspect of the subject matter contained in an expert opinion offered by the Commission.

21. As to the request by the Inter-American Commission to question expert witness Luis Enrique Eguren offered by the representatives, the President notes that the object of that expert opinion, which concerns the protection of human rights defenders, is intimately related to the expert opinion of Michael Reed-Hurtado, and is therefore relevant to the inter-American public order of human rights and transcends the specific facts of this case and the specific interest of the parties in litigation. Accordingly, the President grants the Commission's request to question said expert witness.

22. With regard to the request to question expert witness Juan Antonio Mejía offered by the representatives, given that it is connected with the expert opinion of Frank la Rue, the President recalls that the expert opinion proposed by the representatives concerns the context of risk, violence and impunity that affects human rights defenders in Honduras since the 1990s and until the present day, while the expert opinion proposed by the Commission refers mainly to the link between exercising the defense of human rights and the right to political participation. Accordingly, the President considers that, although it is true that both expert opinions analyze situations linked to the defense of human rights, the objects proposed appear to have different purposes. This is based on the fact that the first expert opinion seeks to analyze a contextual situation in Honduras, while the second refers to activities in defense of human rights as a form of political participation. Therefore, there is not a sufficient connection to consider appropriate the application of the provisions of Article

52(3) of the Rules. Accordingly, the President rejects the request of the Commission to question that expert witness.

23. Finally, regarding the request to question the deponent Nery Velásquez, the Commission indicated that it is, in part, an expert statement that seeks to describe the functioning of a national institution that works to protect human rights defenders, and as such, is directly related to the expert opinions of Michael Reed-Hurtado, offered by the Commission, and of Luis Enrique Eguren, offered by the representatives. In this regard, the President finds that the State did not specifically indicate the capacity in which it was offering this statement, and therefore the President must decide, on the basis of the object indicated, the capacity in which said statement is offered and the admissibility of the request to question the deponent by virtue of being in the inter-American public interest.

24. Thus, the President notes that the object of the statement of Nery Velásquez, offered by the State, is divided into three aspects: i) the mode of operation of CONADEH in relation to the protection of human rights defenders; ii) the criminal process in Honduras under the legislation in effect at the time of the facts, and iii) the indication of whether Mr. Luna López filed a complaint with CONADEH. Based on the foregoing, the statement is considered to be almost entirely an expert opinion, given the deponent's expertise and participation by reason of his professional practice in Honduras.

25. However, based on the same analysis of the object of the expert opinion, the President considers that this opinion does not specifically relate to the inter-American public interest, given that the three aspects refer to the study of the specific situation and legislation of a State, without this implying that the object of such an opinion transcends the interest and object of the present case and that it may have an impact on situations occurring in other States Parties to the Convention. For all the foregoing reasons, the President considers that the request of the Commission is not admissible.

E. Manner in which the statements and expert opinions are to be rendered

26. It is necessary to ensure knowledge of the truth and the most complete presentation of the facts and arguments by the parties, insofar as these are pertinent to resolving the matters in dispute, guaranteeing both the parties' right to defend their respective positions and the Court's possibility of adequately examining the cases submitted to its consideration, bearing in mind that their number has grown considerably and is increasing constantly. It is also necessary to guarantee a reasonable term in the length of the proceeding, as required for effective access to justice. Accordingly, it is essential to receive the greatest possible number of testimonies and expert opinions through affidavits, and that the Court hear those alleged victims, witnesses and expert witnesses whose direct testimony is truly indispensable at a public hearing, taking into account the circumstances of the case and the object of the testimonies and expert opinions.

1. Statements to be rendered before a notary public (affidavit)

27. Bearing in mind the provisions of Article 50(1) of the Rules, the indications of the parties in their definitive lists of deponents, the object of the statements offered and their connection with the facts of the case, as well as the principle of procedural economy, the President deems it appropriate to receive, through affidavits rendered before a notary public, the following testimonies and expert opinions: the expert

opinion of Michael Reed-Hurtado, the expert witness proposed by the Inter-American Commission; Rosa Margarita Valle Hernández, Carlos Luna Valle, Mariana Luna Valle, Allan Luna Valle, Jose Luna Valle and Roger Luna Valle, alleged victims proposed by the representatives; Luis Enrique Eguren and Alicia Neuburger, expert witnesses proposed by the representatives; and Nery Velásquez, a witness proposed by the State.

28. The President emphasizes that Article 50(5) of the Rules of the Court, applicable to this case, allows alleged victims or their representatives and the respondent State to formulate questions in writing to be answered by those summoned to render statements through affidavits. In application of this provision, the President proceeds to grant the parties an opportunity to submit, if they so wish, any questions considered pertinent for the deponents and expert witnesses mentioned in the preceding paragraph. Upon rendering their statements before a notary public, the deponents must respond to those questions, unless the President decides otherwise. The corresponding time limits shall be specified in this Order (*infra* Operative para. 2). The aforementioned testimonies and expert opinions shall be transmitted to the Commission and to the parties, as applicable. In turn, the Commission and the parties may submit any observations deemed pertinent within the time limit indicated in this Order (*infra* Operative para. 3). The Court shall assess the evidentiary value of these statements in due course, taking into account the points of view, if any, expressed by the parties.

2. Statements and expert opinions to be rendered at the public hearing

29. Given that the Court records in the instant case are ready for the opening of the oral proceedings on the merits, reparations and costs, the President of the Court deems it appropriate to convene a public hearing to receive the testimonies of César Luna Valle, Omar Menjivar Rosales and Juan Antonio Mejía Guerra, alleged victim, witness and expert witness, respectively, proposed by the representatives, and Adrian Octavio Rosales, the witness proposed by the State.

F. Final oral and written arguments and observations

30. The representatives and the State may present to the Court their final oral arguments regarding the merits, reparations and costs in this case, respectively, after the statements and expert opinions have been presented. As established in Article 51(8) of the Rules, once the arguments have concluded, the Inter-American Commission shall present its final oral observations.

31. According to Article 56 of the Rules, the alleged victims or their representatives, the State and the Commission may submit their final written arguments and final written observations, respectively, regarding the merits, reparations and costs, within the term established in Operative paragraph 12 of this Order.

THEREFORE:

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

Pursuant to Articles 24(1) and 25(2) of the Court's Statute and Articles 4, 15(1), 26, 31(2), 35(1), 40(2), 41(1), 45, 46, 50 to 56, 58 and 60 of its Rules of Procedure,

DECIDES:

1. To require, for the reasons stated in this Order (Considering paras. 18 and 19), in accordance with the principle of procedural economy and in exercise of the authority granted under Article 50(1) of the Court's Rules of Procedure, that the following individuals render their statements by affidavit:

A) Expert witness proposed by the Inter-American Commission

1. Michael Reed-Hurtado, who will render a statement on the international standards regarding the State's duty to provide protection in cases of threats made against defenders, as well as the duty to combat the pattern of impunity surrounding the actions that affect them, through the use of investigation protocols that take into account the risks inherent to the work of defending human rights.

B) Alleged victims proposed by the representatives

1. Rosa Margarita Valle Hernández, wife of Carlos Antonio Luna López, who will testify on the facts of the case, the threats received and the damage and consequences she and her family suffered as a result of the death of her husband Carlos Antonio Luna López;
2. Carlos Luna Valle, son of Carlos Antonio Luna López, who will testify on the facts of the case, the domestic proceedings undertaken to obtain justice, the threats he received during this process and the damage and consequences he and his family suffered;
3. Mariana Luna Valle, daughter of Carlos Antonio Luna López, who will testify on the facts of the case and on the damage and consequences that she and her family suffered;
4. Allan Luna Valle, son of Carlos Antonio Luna López, who will testify on the facts of the case and on the damage and consequences that he and his family suffered;
5. José Luna Valle, son of Carlos Luna López, who will testify on the facts of the case and on the damage and consequences that he and his family suffered, and
6. Roger Luna Valle, son of Carlos Luna López, who will testify on the facts of the case and on the damage and consequences that he and his family suffered.

C) Expert witnesses proposed by the representatives

1. Luis Enrique Eguren, Director of the Research and Training Unit on International Protection, who will render a statement on the basic and essential criteria to be considered in order to establish a global policy for the protection of human rights defenders and good practices and policies of this nature in other countries, and
2. Alicia Neuburger, a psychologist with experience in the psychological treatment of victims of human rights violations, who will testify on the impact suffered by Rosa Margarita Valle Hernández, Carlos Antonio Luna Valle, Cesar Augusto Luna Valle, Lubina Mariana Luna Valle, Allan Miguel Luna Valle, Jose Fredy Luna Valle and Roger Herminia Luna Valle as a result of violations of their human rights, particularly the execution of Carlos Antonio Luna López.

D) Expert witness proposed by the State

1. Nery Velásquez, Assistant Commissioner of Human Rights, who will testify on the way in which CONADEH provides assistance and adopts measures for the protection of citizens who are at risk in the exercise of their human rights; the way in which criminal trials were conducted under the Code of Criminal Procedure of 1984; and the indication of whether Mr. Carlos Antonio Luna López visited the offices of CONADEH to file a complaint or a request for protection because he felt his life was threatened.
2. To require the representatives and the State to submit, if considered pertinent, and within the non-renewable term that expires on January 9, 2013, any questions they consider appropriate through the Inter-American Court to the witnesses and expert witnesses mentioned in Operative paragraph 1 of this Order. The statements and expert opinions required in Operative paragraph 1 must be submitted no later than January 31, 2013.
3. To require the representatives, the State, the Inter-American Commission and the Secretariat of the Court to coordinate and make the necessary arrangements for the deponents and expert witnesses to include, once the respective questions of the parties have been received, the corresponding answers in their statements rendered by affidavit, under the terms of Considering paragraphs 27 and 28 of this Order.
4. To require the Secretariat of the Court, once the statements and expert opinions required in Operative paragraph 1 have been received, to transmit them to the parties and to the Commission, together with the expert opinion included in this case (*supra* Considering para. 14) so that they may submit their observations to those statements and expert opinions, respectively, with their final arguments at the latest.
5. To summon the representatives, the State and the Inter-American Commission to a public hearing to be held during the Court's 98th Regular Period of Sessions, on February 7, 2013, from 9:00 hours and until 18:30 hours, to receive their final oral arguments and final oral observations, respectively, regarding the merits, reparations and costs, as well as the statements and expert opinions of the following persons:

A) Alleged victim proposed by the representatives

1. César Luna Valle, son of Carlos Antonio Luna López, who will testify on the

facts of the case, the domestic proceedings undertaken to obtain justice, the threats received during this process and the damage and consequences that he and his family suffered.

B) Witness proposed by the representatives

1. Omar Menjivar Rosales, a lawyer and former prosecutor assigned to the case of Carlos Antonio Luna López, who will render a statement on the conduct of the investigation processes, the obstacles encountered in punishing all those responsible, the threats he received and the irregularities committed to delay the proceedings and ensure the impunity of some of those responsible.

C) Expert witness proposed by the representatives

1. Juan Antonio Mejía Guerra, Masters in Philosophy and Agronomy, who will testify on the context of risk, violence and impunity affecting human rights defenders in Honduras, including defenders of the environment, since the 1990s and up to the present day.

D) Witness proposed by the State

1. Adrian Octavio Rosales, prosecutor at the Attorney General's Office of Honduras, who will testify on the visit made by Messrs. Carlos Antonio Luna López and Jose Ángel Rosa Hernández; the way in which criminal trials were conducted under the Code of Criminal Procedure of 1984; and the progress made during his tenure at the Attorney General's Office to investigate the criminal liability of those involved in the death of Mr. Carlos Antonio Luna López.
6. To require the Republic of Honduras to facilitate the exit from and entrance into its territory of the deponents and expert witnesses who reside or are present therein, and who have been summoned in this Order to render their testimonies and expert opinions at the public hearing regarding the merits, reparations and costs in this case, under the terms of Article 26(1) of the Court's Rules of Procedure.
7. To require the Inter-American Commission, the representatives and the State to serve notice of this Order to the persons they have proposed who have been summoned to render a statement and/or expert opinion, in accordance with Article 50(2) and 50(4) of the Rules of Procedure.
8. To inform the Inter-American Commission, the representatives and the State that they must cover the costs incurred in providing or rendering the evidence they have offered, pursuant to Article 60 of the Rules.
9. To require the representatives and the State to inform the persons summoned by the Court to render statements and expert opinions that, pursuant to Article 54 of the Rules, the Court shall bring to the State's attention the cases in which the persons summoned to appear or testify before this Court fail to do so, or refuse to testify without legitimate cause or who, in the opinion of the Court, have violated their 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 and expert opinions have been rendered at the public hearing, they may present before the Court their final oral arguments and final oral observations, respectively, regarding the merits, reparations and costs in this case.

11. To order the Secretariat of the Court, in accordance with Article 55(3) of the Rules of Procedure, to provide the Inter-American Commission, the representatives and the State, with the link to the recording of the public hearing in this case, as soon as possible.

12. To inform the Inter-American Commission, the representatives and the State that the time limit established for submitting their final written arguments and final written observations, respectively, regarding the merits, reparations and costs in this case expires on March 8, 2013. This term is non-renewable.

13. To require the Secretariat of the Inter-American Court to serve notice of this Order to the Inter-American Commission on Human Rights, the representatives of the alleged victims and the Republic of Honduras.

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary