

Castillo González et al. v. Venezuela

ABSTRACT¹

This case is about the assassination in Venezuela, near the border with Colombia, presumably by Colombian paramilitaries, of a human rights defender working with indigenous persons and poor farmers. Eventually, the Court found the State had not violated the American Convention because it exercised due diligence in investigating and prosecuting the event, even though the ultimate culprits could not be found.

I. FACTS

A. Chronology of Events

1999-2003: Colombian residents migrate to bordering Venezuela, seeking protection from widespread violence.² Heinous crimes, including “kidnappings, killings by hired gunmen, extortion, theft, and smuggling,” occur incessantly along the shared border.³ Colombians in search of refuge are often murdered before entering Venezuela.⁴

Mr. Joe Luis Castillo González (“Mr. Castillo González”) is a Venezuelan attorney working near the Colombian border.⁵ He provides legal counsel to indigenous peoples, refugees, and poor farmers (“*campesinos*”) on matters concerning migration, asylum, land disputes, and human rights violations.⁶ He is the coordinator of the Office of Social Action and Human Rights of the Machiques Apostolic Vicariate in Venezuela (“OASVAM”).⁷ Mr. Castillo González’s wife, Mrs. Yelitze Lisbeth Moreno Cova (“Mrs. Moreno”), is also a human rights activist and works in the same office within the Department of Investigations,

1. Claudia Garcia-Salas, Author; Emily Williams, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Castillo González et al. v. Venezuela, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 256, ¶ 35 (Nov. 27, 2012).

3. *Id.* ¶ 36.

4. *Id.*

5. *Id.* ¶ 38.

6. *Id.*

7. *Id.*

Communications and Promotion of Human Rights.⁸

December 10, 2001: As part of Venezuela's effort to promote self-sufficiency and compensate for a longstanding history of land inequality, Venezuela adopts the Land Law, which aims to redistribute underutilized land belonging to wealthy landowners among *campesinos*.⁹ However, the law fuels discord between the landowners and *campesino* leaders, many of who are violently murdered as a result of their vocal opposition to the exploitation of the poor farmers.¹⁰

August 27, 2003: Two unknown men riding motorcycles intercept Mr. Castillo González, Mrs. Moreno, and their one-year-old son, Luis Cesar Castillo Moreno, as the family is driving home.¹¹ The men peer into the car and fire thirteen gunshots indiscriminately at the passengers.¹² Mr. Castillo González is struck by nine shots and is instantly killed.¹³ Mrs. Moreno and her son are gravely injured, but survive following extensive surgery.¹⁴ Police investigate the crime scene, collect evidence, and report Mr. Castillo González's death to the 20th Prosecutor's office.¹⁵ The Scientific, Criminal, and Forensic Investigation Corps ("CICPC") begins an investigation into the murder of Mr. Castillo González.¹⁶

August 28, 2003: The 20th Prosecutor's office orders an autopsy and the issuance of a death certificate, interviews witnesses, instructs experts to conduct evidence analysis including ballistic and forensic testing, demands a hematology test, and requests an expert examination of Mr. Castillo González's vehicle.¹⁷ It opens a homicide case for Mr. Castillo González and attempted homicide for the two surviving victims.¹⁸ Mrs. Moreno provides a physical description and a sketch composite of the assailants; however, no suspects are identified.¹⁹

8. Castillo González et al. v. Venezuela, Merits, ¶¶ 1, 38.

9. *Id.* ¶ 37; James Suggett, *Venezuelan Land Law Reform Promises "Land for Those Who Work On It"* VENEZUELAN ANALYSIS (Jun. 17, 2010), available at <https://venezuelanalysis.com/news/5432> (last visited Jan. 22, 2017).

10. Castillo González et al. v. Venezuela, Merits, ¶ 37.

11. *Id.* ¶¶ 1, 42.

12. Castillo González et al. v. Venezuela, Admissibility Report, Report No. 22/07, Inter-Am. Comm'n H.R., Case No. 259-06, ¶ 15 (Mar. 9, 2007).

13. *Id.*

14. Castillo González et al. v. Venezuela, Merits, ¶ 43.

15. *Id.* ¶ 46.

16. *Id.*

17. *Id.* ¶ 48.

18. *Id.* ¶ 49.

19. *Id.* ¶¶ 49, 52, 56.

September 2, 2003: The 20th Prosecutor's office interviews employees from Mr. Castillo González's former employer, OASVAM.²⁰ The employees state that the office has received threats.²¹ The Prosecutor orders the production of telephone records.²²

September 5, 2003: OASVAM employees are interviewed once again.²³ They deny knowing if Mr. Castillo González received any threats while employed at the office or if Mr. Castillo González maintained relations with any criminal organizations.²⁴ One employee, however, mentions that a refugee-client of Mr. Castillo González was likely murdered by right-wing Colombian paramilitaries.²⁵ Although the refugee-client had deep ties with the leader of the left-wing Revolutionary Armed Forces of Colombia ("FARC"), the employees deny knowledge of any personal involvement of Mr. Castillo González with the guerilla.²⁶

September 10, 2003: Investigators interview Mrs. Moreno and ask her if Mr. Castillo González received any death threats.²⁷ She recalls that he did receive a disturbing phone call several years prior and that the accoster had warned them about their work as human rights activists.²⁸ Fearful for her life and her son's, Mrs. Moreno requests protectionary measures from the Public Prosecutor's Office, which are subsequently granted.²⁹ The CICPC receives a tip from a caller stating that Mr. Castillo González was likely murdered by Colombian paramilitaries.³⁰ The informant provides the alleged assailants' vehicle descriptions and their general known whereabouts.³¹ Investigators follow the lead by conducting surveillance and observe three men getting into one of the vehicles.³²

September 12, 2003: Four men are arrested for an unrelated offense; two of the men are the passengers of the car that was under surveil-

20. *Id.* ¶ 53.

21. Castillo González et al. v. Venezuela, Merits, ¶ 53.

22. *Id.*

23. *Id.* ¶ 54.

24. *Id.*

25. *Id.*

26. *Id.*

27. Castillo González et al. v. Venezuela, Merits, ¶ 56.

28. *Id.*

29. *Id.* ¶¶ 56, 66.

30. *Id.* ¶ 57.

31. *Id.* ¶ 58.

32. *Id.*

lance.³³ They are Mr. Emer Humberto Terán Méndez, a Colombian paramilitary member, and Mr. Edgar Alfonso González, a member of the Venezuelan National Guard.³⁴ Mr. Terán Méndez explains that Mr. Castillo González, among others, was on a hit list and that paramilitaries and state officials are responsible for his murder.³⁵ The national guardsman declares that Mr. Terán Méndez is a paramilitary hired by landowners to eradicate “scum” and that the local Mayor, Mr. Alfonso Márquez, acknowledges and approves of the arrangement between the paramilitaries and landowners.³⁶

September 19, 2003: The 20th and 83rd Prosecutors’ offices question the criminal court’s recent decision to grant bail and release Mr. Terán Méndez from custody, since he may be implicated in Mr. Castillo González’s murder.³⁷

September 21, 2003: The media reports that Mr. Castillo González was linked to the FARC and that he had once harbored two members of the rebel group in his home, both of which were also murdered.³⁸

September 23, 2003: An OASVAM employee, who is shown photographs of three suspects arrested for the unrelated offense of September 12, 2003, states that one resembles a man who visited the office seeking Mr. Castillo González’s assistance in obtaining a Venezuelan identity card.³⁹

October 7, 2003: The Attorney General assigns the Human Rights Protection Office to collaborate with the 83rd Prosecutor.⁴⁰ It orders the 20th Prosecutor’s office to implement security measures for the protection of Mrs. Moreno and her son.⁴¹

November 4, 2003: The 83rd Prosecutor’s office informs the criminal court that measures of protection in favor of Mrs. Moreno and her son have been irregular and inconsistent.⁴²

33. Castillo González et al. v. Venezuela, Merits, ¶ 59.

34. *Id.*

35. *Id.*

36. *Id.* ¶ 60.

37. *Id.* ¶ 64.

38. Castillo González et al. v. Venezuela, Merits, ¶ 65.

39. *Id.* ¶ 67.

40. *Id.* ¶ 69.

41. *Id.*

42. *Id.* ¶ 71.

November 20, 2003: The 20th Prosecutor's office announces that Mr. Castillo González's murderers died in a police shootout.⁴³ A list of names is found on one of the deceased suspects.⁴⁴ Other evidence collected at the scene includes firearms and "eight spent bullet cartridges and lead fragments."⁴⁵

January 21, 2004: Mrs. Moreno views post-mortem photographs of the four men killed during the police shootout.⁴⁶ She cannot positively identify anyone and requests photographs of the men taken while alive, a thorough investigation of the names on the list, and protection by "competent agencies," since protection services continue to be provided irregularly.⁴⁷

August 10, 2004: Mrs. Moreno once again asks for precautionary measures to be provided.⁴⁸

August 20, 2004: The 83rd Prosecutor's office sends an assailant composite sketch, as provided by Mrs. Moreno de Castillo in September 2003, to the CICPC, as they have a suspect, Mr. Orlando Antonio Peña Luzardo, in custody.⁴⁹ Mr. Peña Luzardo's firearms are taken for analysis.⁵⁰

October 22, 2004: Mrs. Moreno appears before the criminal court claiming that precautionary measures have been lacking.⁵¹ She asks that the investigation into her husband's death be conducted expeditiously and requests photographs of Mr. Peña Luzardo as well as the four men killed in the shootout.⁵²

April 21, 2005: Mrs. Moreno asks for ballistic comparison to be performed between the bullets extracted from Mr. Castillo González's body during autopsy and Mr. Peña Luzardo's firearm.⁵³ Once again, she

43. *Id.* ¶ 72.

44. Castillo González et al. v. Venezuela, Merits, ¶ 74.

45. *Id.* ¶ 76.

46. *Id.* ¶ 74.

47. *Id.*

48. *Id.* ¶ 77.

49. *Id.* ¶ 78.; Castillo González et al. v. Venezuela, Merits Report, Inter-Am. Comm'n H.R., Case No. 12.605, ¶ 126 (Oct. 22, 2010).

50. Castillo González et al. v. Venezuela, Merits, ¶ 78.

51. *Id.* ¶ 81.

52. *Id.*

53. *Id.* ¶ 83.

requests photographs of every suspect.⁵⁴

August 10, 2005: The 83rd Prosecutor receives a photograph of Mr. Peña Luzardo and the list of names found at the scene of the November 20, 2003, shootout.⁵⁵ The 20th Prosecutor orders the CICPC to conduct ballistic testing and firearm comparison between the evidence from the shootout and the bullets recovered from Mr. Castillo González's body.⁵⁶ It orders a similar comparison to be made between the evidence collected from Mr. Peña Luzardo and the bullets from the autopsy.⁵⁷

July 6, 2006: Ballistic results do not reveal a connection between any of the firearms seized and the bullets that killed Mr. Castillo González.⁵⁸ Similarly, the bullets that injured Mrs. Moreno and her son do not match.⁵⁹

August 11, 2005: Mrs. Moreno retains the Episcopal Vicariate for Human Rights of Caracas ("Vicariate of Caracas") as a legal representative.⁶⁰

March 20, 2006: The Inter-American Commission on Human Rights ("the Commission") receives a petition on behalf of Mr. Castillo González, Mrs. Moreno, and Luis Cesar.⁶¹

November 28, 2006: The 20th Prosecutor's office decides to cease investigations into Mr. Castillo González's killing and closes the case.⁶² Notice of the decision is sent to Mrs. Moreno explaining that although a crime was committed, the evidence is insufficient to charge anyone.⁶³ The office explains that while all efforts have been exhausted, it may reopen the case if new facts or evidence are uncovered.⁶⁴

March 9, 2007: The Commission adopts Admissibility Report No. 22/07.⁶⁵

54. *Id.*

55. *Id.* ¶ 84.

56. Castillo González et al. v. Venezuela, Merits, ¶ 84.

57. *Id.*

58. *Id.*

59. *Id.*

60. *Id.* ¶¶ 85-86.

61. Castillo González et al. v. Venezuela, Admissibility Report, ¶ 5.

62. Castillo González et al. v. Venezuela, Merits, ¶ 89.

63. *Id.*

64. *Id.*

65. *See* Castillo González et al. v. Venezuela, Admissibility Report.

June 19, 2007: Mrs. Moreno contacts the 20th Prosecutor's office claiming she never received notice of the case closure and had only learned about it after a recent visit to the 83rd Prosecutor's office.⁶⁶ She demands that a copy of the notice be sent to her attorneys, which they subsequently receive.⁶⁷ Mrs. Moreno also obtains the case file.⁶⁸

August 2005-February 2009: Attorneys for Mrs. Moreno request court records of all proceedings pertinent to the investigations into Mr. Castillo González's death, but they do not receive them.⁶⁹

June 2, 2008: The 20th Prosecutor's office receives correspondence from the 4th Prosecutor's office, advising that a complaint has been filed against Mayor Alfonso Márquez accusing him of being the "mastermind" of Mr. Castillo González's homicide.⁷⁰

July 27, 2010: The office of the 20th Prosecutor requests the complainant against the Mayor to appear in their office in order to obtain a statement on the murder.⁷¹

October 22, 2010: The Commission adopts Merits Report No. 120/10.⁷²

May 19, 2011: Once again, the office of the 20th Prosecutor requests the complainant against the Mayor to appear in their office in order to obtain a statement.⁷³

B. Other Relevant Facts

The leftist FARC is one of the world's most infamous rebel groups.⁷⁴ It is heavily funded by the illegal cocaine trade.⁷⁵ FARC engages in the kidnapping of politicians, extortion, forceful recruitment of

66. Castillo González et al. v. Venezuela, Merits, ¶ 92.

67. *Id.* ¶¶ 92-93.

68. *Id.* ¶ 139.

69. *Id.* ¶ 94.

70. *Id.* ¶ 96.

71. *Id.*

72. See Castillo González et al. v. Venezuela, Merits Report, Report No. 120/10. Inter-Am. Comm'n H.R., Case No. 12.605 (Oct. 22, 2010).

73. *Id.* ¶ 96.

74. *The Guerrilla Groups in Colombia*, UNITED NATIONS REGIONAL INFORMATION CENTRE FOR WESTERN EUROPE (last visited Feb. 6, 2017), available at <http://www.unric.org/en/colombia/27013-the-guerrilla-groups-in-colombia>.

75. *Id.*

civilians, human trafficking, illegal gold mining, and running drug operations in neighboring countries, including Venezuela.⁷⁶ Its origination in the mid 1960's arises from the ongoing conflict between wealthy landowners and *campesinos*.⁷⁷ FARC initially organizes to combat social inequalities – primarily the government's failure to ensure *campesino* farmers fair access to land.⁷⁸ However, FARC is strongly countered by right-wing paramilitaries, and begins to employ aggressive tactics and consequently evolves into a profoundly sinister organization.⁷⁹

FARC's existence and success largely depends on Venezuela for cross-border sanctuary.⁸⁰ Although the State denies harboring or supporting the rebel group, State officials assist FARC by providing weapons and issuing Venezuelan identification cards for the Colombian rebels to move freely.⁸¹ State President Hugo Chavez allegedly funds a Venezuelan office for FARC and grants it access to State intelligence services.⁸² The openly amicable relations and mutual respect between the government and FARC is cultivated by a shared vision of social and political reform.⁸³ Not surprisingly, Colombian right-wing paramilitaries infiltrate the State in efforts to eradicate FARC supporters.⁸⁴ While in the State, paramilitaries are hired by wealthy landowners to eliminate *campesino* and indigenous leaders, the majority of whom are government and FARC sympathizers.⁸⁵ Consequently, attorneys and activists who zealously advocate for their rights are also targeted.⁸⁶ The State denounces the Colombian paramilitary presence for the wave of murders it created.⁸⁷

76. *Id.*

77. Elizabeth González and Pablo Medina Uribe, *Explainer: The FARC and Colombia's 50-year Civil Conflict*, AMERICAS SOCIETY / COUNCIL OF THE AMERICAS (Oct. 27, 2012), available at <http://www.as-coa.org/articles/explainer-farc-and-colombias-50-year-civil-conflict>.

78. *Id.*

79. *Id.*

80. Michael Martinez, *Study: Colombian Rebels Were Willing to Kill for Venezuela's Chavez*, CNN (May 10, 2011), available at <http://www.cnn.com/2011/WORLD/americas/05/10/venezuela.farc.documents/index.html#>.

81. *Id.*

82. *Id.*

83. *Id.*

84. *The Infiltration of Colombian Paramilitaries Into Venezuela*, TELESUR (Aug. 25, 2015), available at <http://www.telesurtv.net/english/analysis/The-Infiltration-of-Colombian-Paramilitaries-into-Venezuela-20150824-0005.html>.

85. *Id.*

86. *Id.*

87. *Id.*

II. PROCEDURAL HISTORY

A. Before the Commission

August 29, 2003: The Commission orders the State to implement precautionary measures to Mrs. Moreno and Luis Cesar's lives and physical integrity.⁸⁸ The Commission also orders the State to thoroughly investigate the murder of Mr. Castillo González, identify the responsible parties, and initiate the proper legal proceedings.⁸⁹

March 20, 2006: The Commission receives a petition on behalf of the victims, Mr. Castillo González, Mrs. Moreno, and Luis Cesar.⁹⁰

March 9, 2007: The Commission adopts Admissibility Report No. 22/07.⁹¹

October 22, 2010: The Commission adopts Merits Report No. 120/10, concluding that the State has violated Articles 4 (Right to Life), 8 (Right to a Fair Trial), 16 (Freedom of Association), and 25 (Right to Judicial Protection) of the American Convention to the detriment of Mr. Castillo González; Articles 4 (Right to Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection) of the American Convention to the detriment of Mrs. Moreno; Articles 4 (Right to Life), 8 (Right to a Fair Trial), 19 (Rights of the Child) and 25 (Right to Judicial Protection) of the American Convention to the detriment of Luis Cesar; and Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention to the detriment of Mr. Castillo González's other next-of-kin: Mrs. Yolanda González (mother), Mr. Jaime Castillo (father), Mr. Jaime Castillo González (brother), and Mrs. Julijay Castillo González (sister).⁹²

The Commission makes several recommendations to the State, including that the State: (1) conduct an extensive investigation into the murder of Mr. Castillo González and the attempted murder of Mrs. Moreno and her son, (2) impose the proper disciplinary procedures against State officials whose actions or omissions affected the delay and denial of justice for the victims, (3) ensure that law enforcement prevent

88. Castillo González et al. v. Venezuela, Admissibility Report, Report No. 22/07, Inter-Am. Comm'n H.R., Case No. 259-06, ¶ 9 (Mar. 9, 2007).

89. *Id.* ¶ 9(1)-(2).

90. *Id.* ¶ 5.

91. See generally Castillo González et al. v. Venezuela, Admissibility Report.

92. *Id.* ¶¶ 136, 159.

impunity for extrajudicial executions, and (4) make reparations.⁹³

B. Before the Court

February 22, 2011: The Commission submits the case to the Court, after the State failed to adopt its recommendations.⁹⁴

1. Violations Alleged by Commission⁹⁵

Article 4 (Right to Life)

Article 5(1) (Right to Physical, Mental, and Moral Integrity)

Article 8 (Right to a Fair Trial)

Article 16 (Freedom of Association)

Article 19 (Rights of the Child)

Article 25 (Right to Judicial Protection)

all in relation to

Article 1(1) (Obligation of Non-Discrimination) of the American Convention.

2. Violations Alleged by Representatives of the Victims⁹⁶

Same Violations Alleged by Commission, plus:

Article 11 (Right to Privacy) and

Article 13 (Freedom of Thought and Expression) of the American Convention.

November 15, 2011: The State files its preliminary objection, challenging the impartiality of certain judges of the Court.⁹⁷ The President of the Court rejects the objection as “baseless and unfounded” and allows the case to be heard.⁹⁸

III. MERITS

A. Composition of the Court

93. Castillo González et al. v. Venezuela, Merits Report, Report No. 120/10. Inter-Am. Comm'n H.R., Case No. 12.605, ¶ 160 (1)-(4) (Oct. 22, 2010).

94. Castillo González et al. v. Venezuela, Merits, Inter-Am. Ct. H.R. (ser. C) No. 256, ¶ 3 (Nov. 27, 2012).

95. *Id.* ¶ 3.

96. *Id.* ¶ 4. The Vicariate of Caracas and the Center for Justice and International Law (“CEJIL”) served as representatives of the victims. *Id.*

97. *Id.* ¶ 9.

98. *Id.*

Diego García-Sayán, President
Manuel E. Ventura Robles, Vice-President
Leonardo A. Franco, Judge
Margarette May Macaulay, Judge
Rhadys Abreu Blondet, Judge
Alberto Pérez Pérez, Judge
Eduardo Vio Grossi, Judge

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

November 27, 2012: The Court issues its Judgment on Merits, Reparations and Costs.⁹⁹

The Court found unanimously that the State had not violated:

Article 4 (Right to Life), in relation to Article 1(1) of the Convention, to the detriment of Mr. Castillo González,¹⁰⁰ because:

An international violation of a person's basic human rights, such as the right to life, requires that a State agent have orchestrated, conducted, or enabled the violation.¹⁰¹ Here, there was insufficient evidence to conclude that a State actor or public official had knowledge, "tolerance, acquiescence, or direct involvement" in the attack and murder of Mr. Castillo González.¹⁰² While three individuals suggested to police that Mayor Alfonso Márquez was implicated in the murder of Mr. Castillo González, the Court found their statements to be inconsistent with all other available evidence.¹⁰³ Since a violation by a State agent was not proven, the Court declared that the State had not violated Mr. Castillo González's right to life under Article 4.¹⁰⁴

Article 5(1) (Right to Physical, Mental and Moral Integrity), in relation to Article 1(1) of the Convention, to the detriment of Mr. Castillo

99. See generally Castillo González et al. v. Venezuela, Merits.

100. *Id.* "Declares" ¶ 1.

101. *Id.* ¶ 111.

102. *Id.* ¶ 115.

103. *Id.* ¶ 114.

104. *Id.* ¶ 132.

González's next of kin,¹⁰⁵ because:

The Court reasoned that the State did not violate its duty to protect human rights activists, such as Mr. Castillo González and Mrs. Moreno, because the State did not know they required specialized protective measures prior to the deadly assault.¹⁰⁶ Neither Mr. Castillo González nor his wife formally complained of any threat indicating that they were the specific targets of harm or that they feared for their safety.¹⁰⁷ The Court added that although human rights activists throughout the State are often vulnerable to persecution and violence, attacks on human rights defenders were not a prevalent, systematic problem in the victims' location.¹⁰⁸ Accordingly, the Court declared that the State did not violate the right to moral and psychological integrity of Mr. Castillo González's surviving relatives for the trauma and suffering they endured as a result of his death, since the State was not responsible for his murder.¹⁰⁹

Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection), all in relation to Article 1(1) of the Convention, to the detriment of Mr. Castillo González's next of kin,¹¹⁰ because:

State authorities reasonably performed the required investigative procedures.¹¹¹ The documented investigation included records of evidence collection and analysis, ballistic testing, surveillance, witness interviews, and expert assessment, all of which showed due diligence.¹¹² Additionally, the Court found that the State did not contravene the victims' rights to justice by denying a fair trial or access to proceedings.¹¹³ The Court acknowledged Mrs. Moreno's many challenges in obtaining the case file, but nonetheless, it found that she and her legal representatives ultimately had the opportunity to review its contents.¹¹⁴ Furthermore, the victims communicated with authorities, obtained updates on the investigation, and received notice of the Prosecutor's decision to archive

105. Castillo González et al. v. Venezuela, Merits, "Declares," ¶ 1.

106. *Id.* ¶ 131.

107. *Id.*

108. *Id.* ¶¶ 126-27.

109. *Id.* at "Declares" ¶¶ 1-4, 174-75.

110. *Id.* at "Declares" ¶ 2.

111. Castillo González et al. v. Venezuela, Merits, ¶ 162.

112. *Id.* ¶¶ 154, 160.

113. *Id.* ¶ 167.

114. *Id.* ¶ 169.

the case, and could have challenged that decision.¹¹⁵ Lastly, the Court reasoned that the deficient measures of protection granted to Mrs. Moreno and Luis Cesar did not interfere with the investigation or the course of action pertaining to the State's handling of Mr. Castillo González's death.¹¹⁶

Article 13 (Freedom of Expression) and Article 16 (Freedom of Association), in relation to Article 1(1) of the Convention, to the detriment of Mr. Castillo González,¹¹⁷ because:

The violations of freedom of expression and association were alleged as corollaries of the State's responsibility for the death of Mr. Castillo González.¹¹⁸ Since the Court found that the State was not responsible for Mr. Castillo González's murder nor the violation of personal integrity of Mrs. Moreno or Luis Cesar, it therefore was not responsible for other violations stemming from those failed allegations.¹¹⁹

Article 19 (Rights of the Child), in relation to Article 1(1) of the Convention, to the detriment of Luis Cesar Castillo Moreno,¹²⁰ because:

The Court found that the State did not violate Mr. Castillo González's right of life.¹²¹ It explained that a State violation was necessary for the Court to find that Luis Cesar's rights as a child had also been violated.¹²² Therefore, the State was not responsible for any infringement upon the minor's rights.¹²³

C. Dissenting and Concurring Opinions

[None]

IV. REPARATIONS

[None]

115. *Id.*

116. *Id.* ¶ 170.

117. Castillo González et al. v. Venezuela, Merits, "Declares," ¶ 3.

118. *Id.* ¶¶ 122, 184.

119. *Id.* ¶ 184.

120. *Id.* at "Declares" ¶ 1.

121. *Id.*

122. *Id.* ¶ 122.

123. Castillo González et al. v. Venezuela, Merits, ¶ 122.

V. INTERPRETATION AND REVISION OF THE JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Castillo González et al. v. Venezuela, Merits, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 256 \(Nov. 27, 2012\).](#)

3. Provisional Measures

[Castillo González et al. v. Venezuela, Order of the President, Inter-Am. Ct. H.R. \(ser. C\) No. 256 \(Nov. 28, 2011\).](#)

[Castillo González et al. v. Venezuela, Order the President, Inter-Am. Ct. H.R. \(ser. C\) No. 256 \(Jan. 31, 2012\).](#)

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Castillo González et al. v. Venezuela, Admissibility Report, Report No. 22/07, Inter-Am. Comm'n H.R., Case No. 259-06 \(Mar. 9, 2007\).](#)

3. Provisional Measures

[Not Available]

4. Report on Merits

[Castillo González et al. v. Venezuela, Merits Report, Report No. 120/10, Inter-Am. Comm'n H.R., Case No. 12.605 \(Oct. 22, 2010\).](#)

5. Application to the Court

[Not Available]

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[Elizabeth González and Pablo Medina Uribe, *Explainer: The FARC and Colombia's 50-year Civil Conflict*, AMERICAS SOCIETY / COUNCIL OF THE AMERICAS \(Oct. 27, 2012\), available at http://www.as-coa.org/articles/explainer-farc-and-colombias-50-year-civil-conflict.](#)

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[Michael Martinez, *Study: Colombian Rebels Were Willing to Kill for Venezuela's Chavez*, CNN \(May 10, 2011\), available at http://www.cnn.com/2011/WORLD/americas/05/10/](#)

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