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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

Docket No. 6:13-cv-1426

JOAN JARA, in her individual	:	
capacity and in her capacity	:	
as the personal representative	:	
of the Estate of Victor Jara,	:	
et al.	:	
	:	Orlando, Florida
Plaintiffs	:	June 15, 2016
	:	9:21 a.m.
v.	:	
	:	
PEDRO PABLO BARRIENTOS NUNEZ	:	
	:	
Defendant	:	
	:	

TRANSCRIPT OF JURY TRIAL, VOLUME III  
BEFORE THE HONORABLE ROY B. DALTON, JR.  
UNITED STATES DISTRICT JUDGE

Court Reporter: Amie R. First, RDR, CRR, CRC, CPE  
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Proceedings recorded by mechanical stenography.

Transcript produced by Computer-Aided Transcription.

1 APPEARANCES:

2

3 For the Plaintiffs: Mark D. Beckett

4 Richard S. Dellinger

5 L. Kathleen Roberts

6 Daniel McLaughlin

7 Christian Urrutia

8 Amy Belsher

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10 For the Defendant: Sean W. Landers

11 Luis F. Calderon

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## P R O C E E D I N G S

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THE COURT: Good morning.

MR. BECKETT: Good morning, Judge.

MR. CALDERON: Good morning, Your Honor.

THE COURT: All right. We're back on the record in Jara versus Barrientos Nunez, Case Number 6:13-civil-1426.

The Court notes all counsel and parties are present. And our jurors are present and accounted for.

Are you ready to proceed, Mr. Dellinger?

MR. DELLINGER: Your Honor, before the jury is brought in, I want to make it clear for the record that we have invoked and the parties have agreed to invoke the rule of sequestration with the exception of the parties and the experts.

THE COURT: Okay. That was not the case yesterday. So I'm not concerned about what happened yesterday.

But as of today, I'll rely upon the lawyers, then, to make sure that they from time to time canvass the courtroom and make sure that you don't have any witnesses in here that are subject to the rule. And I'll count on the lawyers to enforce it.

MR. DELLINGER: Thank you, Your Honor.

1 THE COURT: You're welcome.

2 MR. BECKETT: Judge, may I just be heard on the  
3 matter of scheduling?

4 THE COURT: Yes.

5 MR. BECKETT: Yesterday we mentioned we were going  
6 to call a live witness, and we are going to do that. But  
7 we're going to start with a videotape, a short videotape of  
8 another witness to try to break things up rather than have  
9 a full day of videotapes after that.

10 THE COURT: Okay. The jurors have expressed some,  
11 I guess, physical discomfort with the length of time they  
12 are having to look down at the small screen for the videos.  
13 They take a long time.

14 So I'm going to have the large dropdown screen  
15 taken care of by the court systems people. But I can't get  
16 that done until probably the middle of the day. I'm not  
17 sure if the mid-morning break will be enough time for them  
18 to do it.

19 Ginny, maybe you can see if -- I don't know how  
20 long it takes them to do it.

21 But in any event, if I can't get it done at the  
22 mid-morning break, I'll get it done at the noon break.  
23 I'll get the big screen in place with the projector so  
24 that -- it may make it easier on the gallery as well. It  
25 will certainly make it easier for our jurors, especially

1 since there are so many of them and they are so long.

2 MR. BECKETT: Yes. I think that's a good idea,  
3 Judge. Also, the first video we'll play is a shorter one.  
4 It's about 45 minutes. So they won't be there for an hour  
5 and a half, at least.

6 THE COURT: Okay. I'll tell them that they can  
7 expect some help from the IT department in terms of the  
8 strain that takes on them to try to look at those  
9 relatively small screens for such a long time.

10 MR. BECKETT: Thank you, Judge.

11 One other point, we just did have some  
12 designations we missed yesterday that we're going to read  
13 into the record at the end, sort of completing the  
14 deposition testimony of Mr. Barraza.

15 And we'd just like to publish a map. At least  
16 refer to certain points that we've shown before, and it is  
17 already in evidence as a joint exhibit.

18 THE COURT: Okay. Mr. Calderon, you're ready to  
19 go with the portions you want to publish this morning?

20 MR. CALDERON: Judge, we're not going to publish  
21 any portions. It was just for sections that have been  
22 designated that actually were skipped yesterday.

23 THE COURT: Okay.

24 MR. CALDERON: So it's just going to be  
25 Mr. Beckett reading those portions.

1           However, with respect to the map, we would object.  
2           That should be something that should be done by the witness  
3           or another witness, not by any of the attorneys explaining  
4           the deposition.

5           MR. BECKETT: I'm not explaining the map. Just  
6           showing it, Judge, obviously.

7           THE COURT: I mean, so you're just going to put  
8           the map up?

9           MR. BECKETT: Yes.

10          THE COURT: And stand mute?

11          MR. BECKETT: Yes.

12          THE COURT: Okay. Well, if it's in evidence, it  
13          can certainly be published, as long as there is no comment  
14          or testimony about it. That does need to come from a  
15          witness.

16          MR. BECKETT: Understood. And, Judge, just on the  
17          point of designation, so the Court is aware, there has  
18          already been significant discussion between the parties and  
19          agreement on the designations, say, for one deponent that  
20          we'll talk about. Everything has already been agreed.

21          THE COURT: Okay. Thank you.

22          Let's bring our jury back, please, Mr. Carter.

23          COURT SECURITY OFFICER: Yes, sir.

24          (Jury entered the courtroom at 9:26 a.m.)

25          THE COURT: Good morning, ladies and Mr. Codner.

1 How are you all this morning?

2 JURY: Good.

3 THE COURT: Hope everyone had a restful evening.  
4 Were all of you able to follow my instructions not to  
5 discuss the case amongst yourselves or with anyone else?

6 JURY: Yes.

7 THE COURT: A couple of housekeeping things for  
8 you.

9 First of all, we're late getting started this  
10 morning. I had another proceeding in an unrelated criminal  
11 case. I had a sentencing I had to conduct this morning  
12 which just took a little longer than I had anticipated.  
13 It's sometimes hard to predict.

14 I apologize for the delay. It's my fault, not the  
15 lawyers' fault. So I want to make sure you knew why we  
16 were getting started a little bit late.

17 The other thing I wanted to mention to you is a  
18 couple of you have mentioned -- and you're not the first --  
19 that having to look down at those small screens for a long  
20 time watching videos is tough.

21 I can't immediately solve the problem, but I am  
22 going to solve it during the course of the day, probably at  
23 noon.

24 We have a large dropdown screen. I've asked the  
25 systems people to come in and install the equipment that's

1 necessary to show it on the large screen.

2           So I'm going to have to ask you to endure the  
3 smaller screen for a little bit, maybe through the morning.  
4 I know we do have some video evidence this morning.

5           But I promise you help is on the way. And I'll  
6 get that large screen installed as soon as we have a long  
7 enough break that the systems people can get in here and  
8 take care of it.

9           Plaintiffs ready to call your next witness?

10           I think when we left off yesterday evening, the  
11 lawyers mentioned to me -- you may recall we had some  
12 portions of the deposition that were read as opposed to  
13 shown by video because of some transmission problems.

14           Over the evening, I think the lawyers identified a  
15 couple of questions and answers perhaps that should have  
16 been read and weren't read. Mr. Beckett is going to take  
17 care of that first thing this morning.

18           Mr. Beckett?

19           MR. BECKETT: Thank you.

20           "Question: Did the soldiers at the stadium have  
21 any special insignia that they wore, any special insignia  
22 or markings? I may --

23           "Answer: I do not remember. Do not remember.

24           "Question: I may have used the wrong term. Did  
25 the soldiers wear any armbands?



1           "Answer: Yes. Armbands. Yes.

2           "Question: Did you wear an armband? Did you wear  
3 an armband?

4           "Answer: Yes.

5           "Question: What did the armband look like?

6           "Answer: If I remember well, it was orange  
7 color."

8           Just paging through.

9           "Question: To clarify, in September of 1973, when  
10 was the first time you saw, physically saw Barrientos in  
11 Santiago?

12           "Answer: On September 12, approximately at  
13 17 hours when we were sent to the Chile Stadium.

14           "Question: Did you first see Barrientos at Chile  
15 Stadium?

16           "The Witness: There, yes.

17           "Question: How well did you know Barrientos in  
18 September of 1973?

19           "Answer: I had worked under his orders back in  
20 1970, 1969 when we were maneuvers. The movements that were  
21 done in the City of La Serena.

22           "Question: Okay. Mr. Barraza, can you give us a  
23 physical description of what Mr. Barrientos would have  
24 looked like back in September of 1973?

25           "Answer: He was a normal officer.

1           "Mr. Beckett: That's not what he said.

2           "An Unidentified Female: He appeared normal.

3           "Mr. Urrutia: He said he looked like a normal  
4 officer.

5           "The Interpreter: He looked like a normal  
6 officer, yes. He appeared normal.

7           "Question by Mr. Kubicz: Let me just ask a more  
8 specific question. I would just ask if you could describe  
9 his complexion for us. By that, I mean his -- basically  
10 his skin tone. Was he lighter? Was he darker? How would  
11 you describe that?

12           "I'm talking about complexion. I'm talking about  
13 his complexion, like his skin tone. Was he a  
14 lighter-skinned Chilean, darker-skinned Chilean? That's  
15 what I'm asking.

16           "Mr. Beckett: Objection to form.

17           "The Witness: Brown skin.

18           "By Mr. Kubicz: Question: Okay. Would you ever  
19 describe him as German-looking?

20           "Mr. Beckett: Objection. Form.

21           "The Witness: No.

22           "By Mr. Kubicz: Question: Do you remember if he  
23 had any scars at all anywhere on his body that you recall  
24 at the time?

25           "Answer: No.

1           "Do you remember if he had any facial hair at that  
2 time?

3           "Answer: No, I do not remember.

4           "Question: And do you recall the color of hair he  
5 had at that time?

6           "Answer: The color of his hair was black.

7           "Question: Do you consider it possible that you  
8 could have confused him for another officer?

9           "Answer: No. It was him."

10          That's it.

11          THE COURT: All right. Thank you, Mr. Beckett.

12          Mr. Calderon, does that include everything that  
13 you think should be published with respect to this witness?

14          MR. CALDERON: It does, Your Honor.

15          THE COURT: All right. Thank you.

16          And who's your next witness, Mr. Beckett?

17          MR. BECKETT: The next witness, Your Honor, is --  
18 oh, I'm sorry, Judge. We were going to publish the  
19 document I mentioned to you earlier.

20          All right.

21          THE COURT: What's the document number?

22          MR. BECKETT: It's Joint Exhibit Number 64. And I  
23 think Miss Belsher will pull it up on the screen.

24          THE COURT: All right. Have all of you seen that  
25 exhibit?

1 JURY: Yes.

2 THE COURT: All right. Thank you, Mr. Beckett.

3 MR. BECKETT: Thank you, sir.

4 THE COURT: Call your next witness.

5 MR. BECKETT: The next witness will be via  
6 videotape. It's Jose Benito Garcia Mella. And the date of  
7 the deposition -- two dates: It's November 18th and  
8 20th, 2015.

9 THE COURT: All right. Ladies and gentlemen, as  
10 I've told you previously, the video deposition testimony of  
11 this witness will be displayed for you.

12 At the time of the deposition, the witness was  
13 under oath. The lawyers were present. The witness was  
14 examined by way of question and answer. You're going to  
15 see that. You should treat that testimony just as you  
16 would if it were here before you live.

17 Again, I apologize for the small screens. We'll  
18 try to get those swapped out for you as soon as we can.

19 You may proceed.

20 (Playing video deposition of  
21 Jose Benito Garcia Mella.)

22 THE COURT: Does that conclude this witness'  
23 testimony?

24 MR. BECKETT: Yes, Your Honor.

25 THE COURT: Yes.

1 MR. BECKETT: Yes. Yes, sir.

2 THE COURT: All right. Call your next witness.

3 MR. BECKETT: The next witness will be the  
4 videotape deposition of Manuel Isidoro Chaura Pavez. And  
5 the date of that deposition is November 19th, 2015.

6 THE COURT: I thought we had a live witness next.

7 MR. BECKETT: I did, too.

8 Sorry. We had a miscommunication with the  
9 presence of the witness. We'll go with a live witness.

10 THE COURT: Okay. Yeah, if she's here, I think  
11 that would help break things up with a live witness.

12 MR. BECKETT: Just give us a minute. She's been  
13 sequestered, so we need to get her out of the room.

14 THE COURT: Sure.

15 Jurors, are you doing all right? Can you press on  
16 for a little bit longer?

17 What's this witness' name?

18 MR. URRUTIA: Erica Del Transito Osorio Araya.

19 THE COURT: Miss Osorio, step forward in front of  
20 the podium. Raise your right hand and be sworn.

21 (Witness sworn.)

22 THE WITNESS: I swear.

23 THE DEPUTY CLERK: Please take the witness stand.

24 MR. URRUTIA: May I begin, Your Honor?

25 THE COURT: You may.

1 Tell me again how to pronounce your name, Counsel.

2 MR. URRUTIA: Urrutia is fine.

3 THE COURT: Urrutia?

4 MR. URRUTIA: Urrutia. Yes, sir.

5 THE COURT: Urrutia. Hang on just a minute.

6 Mr. Icaza, if you could ask the witness, please,  
7 to state her full name and if she could spell her surname,  
8 please.

9 Actually, ask her to spell her entire name, if she  
10 would, for the court reporter.

11 THE WITNESS: Erica Del Transito Osorio Araya.

12 E-R-I-C-A. D-E-L. T-R-A-N-S-I-T-O. O-S-O-R-I-O.  
13 A-R-A-Y-A.

14 THE COURT: You may inquire, Counsel.

15 MR. URRUTIA: Thank you.

16 **DIRECT EXAMINATION**

17 BY MR. URRUTIA:

18 Q Miss Osorio, where do you currently live?

19 A In Santiago, Chile.

20 Q How long have you lived there?

21 A Sixty-five years.

22 Q Have you lived there your whole life?

23 A All of my life, yes, sir.

24 Q And can you describe your education?

25 A University level. I am an engineer.

1 Q What type of engineer?

2 A Construction engineer.

3 Q And what do you currently do?

4 A We have a company, an engineering and construction  
5 company.

6 Q In September of 1973, what were you doing?

7 A I was a student studying civil construction  
8 engineering.

9 Q Where were you studying?

10 A At the State Technical University.

11 MR. URRUTIA: I'm going to pull up an exhibit now.

12 May I have Joint Exhibit 103?

13 BY MR. URRUTIA:

14 Q Are you able to clearly see the photo?

15 A Yes, perfectly.

16 Q Do you know who this is?

17 A Victor Jara.

18 Q Why do you recognize him?

19 A Because I met him at the university.

20 Q Around what time did you first meet Mr. Jara?

21 A I met him in 1970.

22 Q And how often would you see Mr. Jara?

23 A Very frequently. He worked at the university.

24 Q Moving forward to September 11th, 1973, what were you  
25 doing that morning?

1 A That morning of the 11th, I was awakened by a  
2 neighbor who violently was banging on my door, saying  
3 something grave is taking place, that I should turn on the  
4 radio.

5 I listened to the radio, and I find out that something  
6 serious is happening with the military personnel at  
7 La Moneda.

8 I grab my things, I dress hurriedly, and I run over  
9 towards the university. The university is located some  
10 12 or 13 blocks from my home, my house.

11 Q Once at the university, what did you do?

12 A I gathered with students that were already there,  
13 students that were going -- that were studying at my same,  
14 my same -- at my school.

15 Listening to the radio we heard that La Moneda had  
16 been bombed. And we went out in the yard and we looked and  
17 saw a lot of black smoke coming out of La Moneda. And  
18 there were many helicopters and aircraft.

19 After that we found out that President Allende had  
20 committed suicide.

21 Q The helicopters and aircrafts that you saw, do you  
22 know if they were civilian or military aircrafts?

23 A Military.

24 Q How do you know they were military?

25 A Because of what they were transmitting over the radio.



1 Q Where did you spend the night of the 11th?

2 A Well, after what I told you, we all gathered at the  
3 art school with a number of students that were there at the  
4 university. We had many general assemblies.

5 We didn't know what was going on. We didn't know how  
6 grave the situation was. And we had no one telling us, do  
7 this.

8 So at one moment, the university president, same as  
9 one of the student leaders, who tells us that we should not  
10 go outside because the university was under siege, that he  
11 had spoken to a military officer so that we could leave on  
12 the 12th without any problem towards our houses.

13 Q At that moment, what did you understand would happen  
14 if you left the university?

15 A I understood, as well as other schoolmates understood  
16 who had tried to leave and they had to return, because the  
17 soldiers were firing on people who were on the street.

18 Q Moving on to the morning of September 12, where did  
19 that morning begin for you?

20 A Well, we spent the entire night inside the university,  
21 in a dining hall which is located below the gymnasium.  
22 It's underground.

23 And then in the morning a schoolmate of mine, we hear  
24 -- let out a scream. He says: No. No, asshole, don't do  
25 it. Don't do it. There are young people down there.

1 Don't do it, asshole. They don't have any weapons.

2 We looked up and we saw many soldiers. And one was  
3 holding a hand grenade. They pulled back from there. And  
4 at this time soldiers began to come in, into the  
5 subterranean area.

6 Q When you saw the soldier with the hand grenade, how  
7 far away were you from that soldier?

8 A Three meters.

9 Q And how many soldiers did you see at that moment?

10 A I couldn't have counted them, but there were many,  
11 many soldiers that were standing at the glass pane.

12 Q How were these soldiers dressed?

13 A In -- well, combat dress.

14 Q I'm going to pull up an exhibit for you, Joint  
15 Exhibit 20.

16 Are you able to clearly see it, Miss Osorio?

17 A Yes.

18 Q Does this look like one of the soldiers that you saw  
19 on that morning?

20 A Yes.

21 Q Did the soldiers that you saw have an armband?

22 A Yes.

23 Q What color was that armband?

24 A It was orange.

25 Q Where did you -- what -- strike that, please.

1           What happened after the events you just described  
2 earlier?

3       A     Soldiers came down. They forced us against the wall  
4 and they are beating us.

5           They asked me to move over to a desk. They asked me  
6 for my jacket, an antelope jacket that they searched  
7 through. From there they pulled out a golden pen and a  
8 gold ring.

9           They asked me for my purse. They turn it over and  
10 out, and from there they take out all of the money and the  
11 gold ring for my graduation.

12          And immediately, he says to me, this is mine. And  
13 with his weapon, he pushes me aside and calls another  
14 person to the table.

15       Q     Earlier you said that they were beating you. How were  
16 they beating you?

17       A     With their weapons stocks.

18       Q     How many times did they hit you?

19       A     Many times.

20       Q     How hard did they hit you?

21       A     Hard, in order to make bruises.

22       Q     And after this event, what happens?

23       A     From there, there is a corridor to the exit and you  
24 had to climb some stairs. Some soldiers stand in the  
25 corridor, some are behind us, and they beat us. They beat

1 us for us to keep moving forward to go out.

2 We went out and we found ourselves at a multi-court  
3 area. There the officer in charge says we're going to  
4 execute you.

5 And he pulls me and two other girls aside to a place  
6 at the basketball court closure. Two soldiers in front of  
7 us, in kind of a drop down that's at the edge of the  
8 basketball court.

9 Soldiers, ready. Ready, fire.

10 No one fired.

11 Q When you were in this sports court, how many  
12 university students and personnel were there?

13 A At that multiple court area, it must have been that we  
14 were 60, maybe 70 persons.

15 Q Did you recognize those people?

16 A Many of them.

17 Q Was Victor Jara there?

18 A He was in the neighboring court.

19 Q How far away from Victor Jara were you?

20 A That court is about ten meters from where I was.

21 Q And what is Mr. Jara doing?

22 A Well, it's a situation where the soldiers are  
23 extracting the students from the room and the areas where  
24 they were.

25 Before Victor Jara, they pulled out another boy, and

1 they asked him, Where are you from?

2 And he said, I'm from Bolivia.

3 He said, Well, because you're Bolivian, we're going to  
4 beat the crap out of you.

5 And right after that, I saw this soldier coming  
6 forward with someone by the arm. Someone by the arm. I  
7 recognize it.

8 And he says, He is Victor Jara.

9 And the soldier says, So you're the singer of the  
10 people. Sing now, piece of shit.

11 And he throws him to the ground.

12 Q And when Mr. Jara is on the ground, what happened?

13 A Every minute, I hear, I hear beatings.

14 Because we have turned around in order to go into the  
15 basketball court.

16 Q What type of noises did you hear?

17 A Same sounds that I heard when I heard the beating of  
18 the Bolivian, our schoolmate, the Bolivian.

19 Q How hard were these noises?

20 A Horrible.

21 Q For how long did this last?

22 A I don't know.

23 Q You were saying that you had turned around. Where  
24 were you heading to next?

25 A We were on the edge of the gym in order to get into

1 the area where there were already schoolmates lying face  
2 down with their hands behind their heads.

3 And we were placed there, us, the 20 schoolmates that  
4 were in that area.

5 Q Were there any soldiers around you?

6 A Many.

7 Q What were they doing?

8 A Soldiers were guarding us. And we could not move.

9 Q What do you think would happen to you at that moment  
10 had you moved?

11 A That we would be killed.

12 Q You said you were there for a long time. If you can  
13 estimate, how long?

14 A It must have been from 11:00 to 3:00, 4:00 in the  
15 afternoon.

16 Q And around 3:00 or 4:00 in the morning, where do you  
17 go next?

18 A At that time, we were allowed all to sit up. And then  
19 after that, an officer comes over who says that we're going  
20 to be transferred.

21 We are taken in line. The women separate. And we're  
22 taken over to Chile Stadium in a microbus. I climb on to a  
23 microbus which is on the outside, on the street that's on  
24 the north.

25 I'm walking. And as I'm walking to the microbus, I

1 can see the central building where there are also people  
2 facedown on the ground. The university president is  
3 standing, and the front is -- on the fascia of the central  
4 building, it's completely destroyed from a bomb explosion  
5 that happened in the early hours of the morning.

6 Q When you were heading to the buses, did you know your  
7 final destination?

8 A No.

9 Q When you were heading to the buses, were soldiers  
10 nearby?

11 A Yes. Yes, we would go by, and the soldiers were  
12 standing pointing or aiming at us.

13 Q Did you board the bus?

14 A Yes.

15 Q And on the bus -- well, strike that.

16 Once on the bus, where did you head?

17 A We drove to the east of the university to the street  
18 called Union Americana.

19 Q And when the bus arrives at Chile Stadium, what do you  
20 see?

21 A Chaos. Many minibuses. Green. Many soldiers.

22 We get off the bus. I get off the bus. And I see a  
23 long line of people, men, along the edge with their hands  
24 on the back of their necks, jumping while a soldier is  
25 spinning a chain underneath their feet.

1 Q How many soldiers are near this line of men?

2 A Many soldiers because there were many people there.

3 And they keep them jumping with the -- they move.

4 Q At your time, could you tell if the soldiers were all  
5 of the same rank?

6 A No. They were conscripts as well as soldiers.

7 Q Was anyone in charge of these soldiers?

8 A Yes. Officers.

9 Q And how were the officers acting when you saw them?

10 A They were giving orders. They would order, the  
11 officers would -- order would have to be done.

12 Hit these assholes. Hit them. They deserve it. We  
13 have to kill them all.

14 Q Did you recognize any of the men in this line?

15 A Yes.

16 Q Where did you recognize them from?

17 A They were people from my university.

18 Q Did you enter Chile Stadium?

19 A Yes.

20 Q I'm going to pull up an exhibit, Joint Exhibit 81.

21 Can you clearly see the exhibit?

22 A Yes.

23 Q Have you ever seen this place before?

24 A It is the Chile Stadium.

25 Q Does it look like Chile Stadium when you went into



1 Chile Stadium on September 12th, 1973?

2 A It looks like it. The difference is the color of the  
3 floor.

4 Q When you entered Chile Stadium, how was the lighting  
5 within the stadium?

6 A There were big bulbs. Bulbs. Very illuminating. It  
7 was harmful.

8 Q And at that time, did you wear glasses?

9 A No.

10 Q Were you ever prescribed glasses at that time?

11 A No, I've never used glasses.

12 Q How was your vision?

13 A Excellent.

14 Q Did you have any problems seeing parts of the stadium  
15 from where you entered?

16 A No.

17 Q Once you entered, where did you go within the stadium?

18 A Upon entering the stadium, down the hole on the  
19 right-hand side, a staircase. On the left-hand side I  
20 turned, and I sit in the second row, second seat.

21 Q Can you indicate on the screen by pressing where you  
22 were?

23 A I was in this sector over here.

24 MR. URRUTIA: Miss Flick, is it possible to --

25 THE COURT: Mr. Icaza, if you'll let the witness

1 know if she'll touch the screen, an indication will appear  
2 on the screen where she touches.

3 BY MR. URRUTIA:

4 Q Is this yellow mark where you indicated?

5 A Yes.

6 Q Do you recall for how long you were seated there?

7 A Well, I was sitting there except for two times when I  
8 was called in for interrogation from the 12th, when we  
9 arrived in the afternoon, until Saturday, the 15th,  
10 when I left the stadium.

11 Q When you were in Chile Stadium, did you see soldiers?

12 A Many soldiers.

13 THE COURT: Mr. Urrutia, I need to take a break.  
14 My court reporter has been going since 8:30 this morning  
15 with another proceeding. And I'm mindful of her need to  
16 take a break and stretch her fingers. And we've not been  
17 quite at 90 minutes, but she's been way past 90 minutes.

18 So I'm going to ask the jurors to step out. We'll  
19 take our 15-minute break. Come back at 5 minutes after the  
20 hour.

21 And just a reminder, this is not the time to  
22 discuss the case amongst yourselves. And we'll resume with  
23 this witness' testimony after the break.

24 (Jury exited the courtroom at 10:49 a.m.)

25 THE COURT: Mr. Icaza, if you could just mention

1 to the witness that it's not appropriate for her to discuss  
2 her testimony while she's in the middle of testifying. And  
3 we'll come back after the break.

4 She's free to use the restroom or refresh herself  
5 and then come back and be in the witness stand at 5 minutes  
6 after the hour, please.

7 THE WITNESS: Perfect. Thank you.

8 MR. URRUTIA: Your Honor, if you could -- or I can  
9 let her know, just how much time is going to be the break.  
10 She may not have picked up that it was 15 minutes.

11 THE COURT: I thought I said that. Tell her  
12 15 minutes, please, Mr. Icaza.

13 THE WITNESS: Yes.

14 (Recess at 10:50 a.m. to 11:14 a.m.)

15 THE COURT: All right. You can be seated. Thank  
16 you very much.

17 We're back on the record in Jara versus Barrientos  
18 Nunez, 6:13-civil-1426.

19 The Court notes all counsel and the parties are  
20 present. And the witness is back in the witness stand.

21 We're missing Mr. Carter, I guess.

22 (Jury entered the courtroom at 11:15 a.m.)

23 THE COURT: Welcome back, ladies and gentlemen.

24 Counsel, you may inquire.

25 MR. URRUTIA: Thank you.

1 BY MR. URRUTIA:

2 Q Before we broke, we were discussing the soldiers at  
3 Chile Stadium. Amongst those soldiers, did you see any  
4 officers?

5 A Yes.

6 Q How many officers?

7 A Several. Several.

8 Q Did you ever see them give orders?

9 A Always.

10 Q How did these officers comport themselves with the  
11 detainees?

12 A Very aggressive.

13 Q Do you recall any instances in which they acted  
14 aggressively?

15 A Yes.

16 Q Can you describe --

17 A Especially when we arrive, the stadium was full of  
18 people. The officer in charge addresses us saying,  
19 attention human sewage pipes, Marxist-Leninists, human  
20 squalor, you are war prisoners and you may all die here.

21 He told us other things. He pointed out that we could  
22 not move without being accompanied by a soldier, otherwise  
23 they would fire.

24 That in order to control the situation, they had  
25 stationed two machine guns, one in the transmission booth

1 and another one behind me in the upper area, and that these  
2 machine guns had the feature that they could cut a person  
3 in two. They were called Hitler's saw.

4 Q Looking at Joint Exhibit 81, which is on your  
5 television screen, can you indicate to me where this  
6 officer made that announcement?

7 A Yes.

8 Q How often did this officer make announcements?

9 A Many times.

10 Q Earlier you said this officer was in charge. What  
11 draws you to that conclusion?

12 A Because he said he was the officer in charge.

13 Q Do you recall approximately how many times this  
14 officer addressed the stadium?

15 A I don't know how many times. I don't know how many  
16 times because the times that I was under interrogation, I  
17 went downstairs. And he also addressed the stadium, and I  
18 don't know.

19 Q How many times did you hear him address the stadium?

20 A Eight or ten times.

21 Q Earlier you said that you were not allowed to leave  
22 your seat without a soldier with you. Were you allowed to  
23 use the bathrooms?

24 A Yes.

25 Q Do you recall any instances in which you went to use

1 the bathroom?

2 A Yes.

3 I asked permission from the soldier that was close by,  
4 to go to the bathroom. He went down with me. When I went  
5 down into the hall in the stadium, which is glass walled, I  
6 saw university professors.

7 These professors were naked, in their underwear, and  
8 they were being beaten with nunchakus.

9 THE INTERPRETER: The interpreter requested an  
10 explanation. The witness explained they are two pieces of  
11 wood tied together by a chain in the middle.

12 BY MR. URRUTIA:

13 Q When you saw this, how far away from the professors  
14 were you?

15 A Four meters.

16 Q You said they were being beaten. Who was beating  
17 them?

18 A These were soldiers with no rank. They were wearing  
19 shirts. He made an impression on me because he was  
20 laughing as he beat. He was dressed in a pair of light  
21 blue trousers and a light blue shirt.

22 Q How hard would this person beat the officers?

23 A With great force.

24 Q How would he beat the professors?

25 A He would beat them in the testicles. They were face

1 down, with their legs spread open.

2 Q And when the professors were being beaten in their  
3 testicles, what reaction did they have?

4 A They would complain without screaming. I heard no  
5 screams.

6 Q I'm going to show you an exhibit, Joint Exhibit 58.

7 Take a few seconds to review.

8 Do you recognize what this is a depiction of?

9 A Yes.

10 Q What is this a depiction of?

11 A This is the stadium with its bleachers, its basketball  
12 court, and the access hall.

13 Q Can you draw a circle around the location where these  
14 professors were being beaten?

15 THE COURT: Let's clear that and start over.

16 Mr. Icaza, if you'll explain to the witness that  
17 if she'll keep her finger on the screen and not lift it  
18 off, it should allow her to make a circle.

19 BY MR. URRUTIA:

20 Q Miss Osorio, how would you describe this location?

21 A It's a hall, glassed. It faces -- on the left-hand  
22 side there is a special door, small, narrow. The large  
23 glass doors were closed. And on the left-hand side there  
24 is a door that goes into the glass enclosure.

25 Q I'm going to finish your circle here. Please let me

1 know if I make any mistake in doing so.

2 A That's all right. Perfect.

3 Q Miss Osorio, if one were to enter the stadium, where  
4 would they enter the stadium?

5 A There are two accesses. One on the left-hand side, it  
6 goes directly to the left corridor. And the other one  
7 through the hall.

8 Q When you were at Chile Stadium, did you see any other  
9 acts of violence?

10 A Yes.

11 Q Can you describe one of these acts, please?

12 A Yes.

13 A young boy between 12 and 15 years in front of me  
14 gets up from his seat, and he walks towards the corridor of  
15 the right-hand side. He walks directly up to a soldier.  
16 Soldier tells him to stop. He continues to walk. Soldier  
17 once again tells him to stop. And this young boy jumps  
18 upon him.

19 And the soldier shot him. He grabs him, he holds onto  
20 him, he embraces him. And another soldier comes over and  
21 helps him get him out of there.

22 Q Was this detainee harmed in any way?

23 A Dead.

24 Q Did this detainee have any weapons on him that you  
25 could see?



1 A Absolutely.

2 Q You just said that he was armed, the detainee?

3 A No. Absolutely not. He had absolutely no weapons.

4 Q And when you say this, how far away from this event  
5 were you?

6 A Six. And at the same level, the same height.

7 Q And when this detainee was shot, what reaction did the  
8 detainee have to that?

9 A Nothing. He did not speak. He did not scream.  
10 Nothing.

11 Q Earlier I asked if you had witnessed any acts of  
12 violence at Chile Stadium, other than the one you just had  
13 described to us.

14 Did you see any other acts of violence?

15 A Two events took place that were violent. A man climbs  
16 up a pillar, to a structure in the rafters or the ceiling  
17 of the stadium. He screams viva Chile. And he throws  
18 himself off the rafters.

19 MR. CALDERON: Your Honor, I'm going to object to  
20 this line of questioning as to relevance.

21 THE COURT: Well, I'm going to overrule your  
22 objection with the understanding that, Counsel, I'll give  
23 you leeway to establish a fair number of these in terms of  
24 the climate of the proceedings at the time, but then let's  
25 move on.

1           MR. URRUTIA: I understand. Thank you,  
2 Your Honor.

3           I'm going to pull up Joint Exhibit 81.

4           No, that's not the correct one. One more.

5 BY MR. URRUTIA:

6 Q     Like you did before, can you indicate where this event  
7 occurred?

8 A     (Indicating.)

9 Q     And can you indicate where this man fell to?

10 A    (Indicating.)

11 Q    And how many people were in the stadium when you saw  
12 this?

13 A    More than 5,000 persons.

14 Q    Earlier you had said that you were interrogated two  
15 times?

16 A    Yes.

17 Q    Can you describe the first time you were interrogated?

18 A    Yes.

19           Just after we got to the stadium the soldiers would  
20 pull people out for interrogation. I was called out, and  
21 they took me to an office which is on the left side of the  
22 stadium hall.

23           In there, there was two soldiers outside, and two  
24 inside, one to a corner, plus an officer behind a desk.

25           The officer asked me for my general information, what

1 my name was, what my national identity card number was,  
2 where I came from.

3 Right away he asked me, Where are the weapons?

4 I would say we have no weapons. There are no weapons.

5 He asked me again, twice.

6 And then he said, Go back to your place.

7 I'm about to leave.

8 He says, an educated person shakes hands as they  
9 leave.

10 I raised my hand. He grabs my hand and he burns me  
11 with a lighter.

12 Q What hand did he burn?

13 A This hand. The right.

14 Q Can you point to where he burned you?

15 A (Indicating.)

16 MR. URRUTIA: May the record indicate that she  
17 pointed to her right hand, right below her hand?

18 THE COURT: Yes.

19 BY MR. URRUTIA:

20 Q Earlier you said that you had heard approximately  
21 seven to eight announcements. Do you recall what else was  
22 said during those announcements?

23 A Several times it was announced to us that we were  
24 going to be killed, that we were not going to leave there  
25 alive.

1           One would lose -- in addition to the notion of time,  
2 because the stadium was brightly lit with many bulbs.

3           And for me, what I felt was that they weren't going to  
4 kill us because they kept on saying it all the time.

5       Q     Who would say this?

6       A     The officer in charge.

7       Q     And these other announcements, can you indicate from  
8 where the officer made the announcements?

9       A     Yes.

10      Q     While you were at Chile Stadium seated in the location  
11 you indicated earlier, did you ever see Victor Jara?

12      A     Yes.

13      Q     Can you describe the time in which you saw him?

14      A     He came on to the right-hand side where we, the women,  
15 were, which is the area that I have already pointed out.  
16 With a soldier. And he remained more or less, I don't  
17 know, an hour.

18      Q     When he was there, what was he doing?

19      A     Only just sitting there with his arms resting upon his  
20 knees.

21      Q     How far away from Mr. Jara were you?

22      A     Three meters.

23      Q     I'm going to pull up another exhibit, Joint Exhibit 6.  
24 Have you ever seen this document before?

25      A     Yes.

1 Q When were you first shown this document?

2 A In April. You showed it to me.

3 Q When this document was shown to you, did it have any  
4 markings on it?

5 A No.

6 Q When you were shown this document, what were you told  
7 about the individuals depicted within the document?

8 A To look and see if I recognize someone.

9 Q When you did that, were you able to recognize anyone  
10 on that document?

11 A Yes.

12 Q Can you touch who you recognize?

13 A (Complying.)

14 Q Is that circle over the person you recognize?

15 A Yes.

16 Q Moving your attention to Joint Exhibit 7.

17 Have you ever seen this document?

18 A Yes.

19 Q You will notice, drawing your attention to the upper  
20 right-hand corner, that there's a signature. Do you know  
21 whose signature that is?

22 A It is my signature.

23 Q And you'll also notice a circle around the individual  
24 in the upper right-hand corner. Do you know how that  
25 circle got there?

1 A I put it there.

2 Q Why?

3 A Because it is the person that I could effectively  
4 recognize.

5 Q When you identified the individual in the upper  
6 right-hand corner, do you know -- did you know the  
7 individual's name?

8 A No.

9 Q Moving to Joint Exhibit 73, page 7.

10 On this document, do you see two individuals?

11 A Yes.

12 Q And do you see the individual in the upper half of the  
13 document?

14 A Yes.

15 Q And do you see writing below his picture?

16 A Yes.

17 Q Could you please read the name under his picture?

18 A Major Pedro Pablo Barrientos Nunez.

19 Q Where -- strike that.

20 You stated that you had seen Mr. Barrientos before.

21 Where did you see him?

22 A At the Chile Stadium.

23 Q Moving to Joint Exhibit 81.

24 Within Chile Stadium, where did you see him?

25 A Over here.

1 Q And do you recall the date when you saw him?

2 A Yes. It was the 14th, the day before I left the  
3 stadium.

4 Q When you saw, Mr. Barrientos, what was he doing?

5 A I had been taken for the second time to interrogation  
6 to the same office and with the same officer. And this  
7 time they took three women in there, and one of them was I.

8 And after the officer had asked me many times where  
9 the weapons were, and -- that he was asking me to give him  
10 names of the leaders, and to which I always responded that  
11 our leaders were there amongst the detainees.

12 And the officer, visibly upset, was told to take me to  
13 where the other university people are. The soldier takes  
14 me. The soldier is called, and a soldier takes me to the  
15 subterraneous area.

16 And from there down a corridor to the end where there  
17 are many locker rooms. There are people from the  
18 university, and amongst these people are Victor Jara.

19 And there it is chaos. Soldier had to shout, and to  
20 call out, and to give orders.

21 And this soldier, who was very young and very short,  
22 shorter than I am, was a conscript.

23 He says, I'm going to get you out of here.

24 He takes me out to the corridor.

25 And he says, Go back to your seat.

1           This is all in the middle of great disorder and  
2 screaming.

3           I go out. I sit down. The officer in charge of the  
4 stadium was speaking. He was saying that many soldiers had  
5 died at the hands of extremists, of Marxist-Leninists. And  
6 that for every soldier that died, ten of ours would fall.

7           THE COURT: Stop for just a minute, please,  
8 Mr. Urrutia.

9           MR. CALDERON: Your Honor, I'm going to object as  
10 to narrative and hearsay.

11           THE COURT: Hearsay objection is overruled. It's  
12 803(1), present sense impression.

13           And I'm going to ask counsel to advise this  
14 witness to listen to your question, provide a response, and  
15 then you'll have a new question for her.

16           MR. URRUTIA: Of course.

17 BY MR. URRUTIA::

18 Q       Miss Osorio, I'm going to present a number of more  
19 questions. If you could endeavor to answer the question  
20 that I present to you without giving a long narrative, that  
21 would be greatly appreciated.

22 A       Very well. Very well.

23       (Speaking.)

24 Q       Let me ask the question.

25       When you saw Mr. Barrientos in the area you indicated,



1 what was he -- what was Mr. Barrientos physically doing?

2 A He arrived at the time when the soldier was speaking.

3 And he stopped at that location. Until the officer stopped  
4 speaking and went over to him.

5 Q When Mr. Barrientos was standing next to the officer  
6 that was making this announcement, did he do anything?

7 A No. He just looked. He looked over the stadium. And  
8 he waited.

9 Q What did the stadium look like at that moment?

10 A Horrible. It was full of very tired prisoners. Lots  
11 of lights. Lights. Lights. Lights.

12 Q Approximately how far away from Mr. Barrientos were  
13 you?

14 A Fifteen, twenty meters.

15 MR. URRUTIA: Your Honor, I request that we take  
16 judicial notice that one meter equals 3.28 feet.

17 THE COURT: That's fine. I think the jury is  
18 probably generally aware of that. But that precision --  
19 precision is helpful. So thank you.

20 MR. URRUTIA: Yes.

21 BY MR. URRUTIA:

22 Q And after the officer that was making the announcement  
23 stopped speaking, what happened next?

24 A He turned to speak to the officer who was waiting for  
25 him.

1 Q When you say the officer that was waiting for him, do  
2 you mean Mr. Barrientos?

3 A Yes.

4 Q And for how long did these two men speak?

5 A Some four or five minutes.

6 Q Did one of them do the majority of the speaking?

7 A Only Mr. Barrientos.

8 Q And what would the other officer do while  
9 Mr. Barrientos spoke?

10 A He would nod with his head.

11 Q And after this conversation was over, what happened  
12 next?

13 A The officer returned to his -- to his position. And  
14 he told us, Now I know what we're going to do with you.

15 Q How did he say that? What was his tone of voice?

16 A Very strong.

17 Q And was this said using the microphone?

18 A Yes.

19 Q And how loud were the speakers in the stadium at that  
20 time?

21 A You could hear them all over the stadium.

22 Q And where was Mr. Barrientos when this was being  
23 announced?

24 A He was leaving.

25 Q Approximately how far away was he from the announcer

1 when this happened?

2 A Some six meters.

3 Q When you heard the announcer make the statement you  
4 just described, what did you think to yourself?

5 A It was the first time that I saw that in all truth, I  
6 was not going to leave that stadium alive. It was the  
7 first time I thought about my family.

8 At that time, it was the first time when I saw -- up  
9 until then, I would have been in shock.

10 And then the women that were with me, they would look  
11 at me. And they would say, They're going to kill us. All  
12 of us are going to die.

13 Q When the announcement was made, how loud could you  
14 hear it?

15 A It would always be very, very, loud.

16 Q Did you ever have any problems hearing this announcer?

17 A Never.

18 Q And after this announcement, what happens next?

19 A After that announcement, some time goes by. And then  
20 some soldiers come over to where the -- we, the women, are,  
21 telling us that we're about to go out.

22 And they begin to take us out row by row from the  
23 bleachers, and to walk to where the -- to the sector where  
24 the commanding officer was.

25 And there there was a table and an officer writing

1 down our information. And after that, we got out.

2 Q Did all the prisoners leave with you?

3 A No.

4 Q Do you know where the rest of the prisoners went?

5 A Yes. To the National Stadium.

6 Q Do you know what National Stadium is?

7 A Yes. It was a -- it is a sports center, and it was a  
8 concentration camp.

9 MR. CALDERON: Objection, Your Honor. Previous,  
10 to our conversations at the bench.

11 THE COURT: Objection is overruled.

12 The explanation has already been provided as to  
13 the definition of concentration camp and the circumstances.  
14 So I think it's been established as to the definition of  
15 the term.

16 You can proceed, Counsel.

17 MR. URRUTIA: I have no further questions at this  
18 time.

19 THE COURT: Do you have cross-examination,  
20 Mr. Calderon?

21 MR. CALDERON: Thank you, Your Honor.

22 **CROSS EXAMINATION**

23 BY MR. CALDERON:

24 Q Good morning, Miss Osorio. Is it correct that you  
25 currently do construction contracts?

1 A Yes.

2 Q And that's your source of employment?

3 A Yes.

4 Q As a survivor of the events of the Estadio Chile, are  
5 you now -- or do you receive any benefits from the  
6 government?

7 A Yes.

8 Q Do you receive a pension from the government?

9 A Yes.

10 Q As part of your employment, do your contracts involve  
11 government projects?

12 A No.

13 Q Now, I want to take you back, because you gave us a  
14 lot of information. And I'd like to reference you back to  
15 when you were at the university.

16 Okay. What day was that?

17 A The 11th of September and the 12th of  
18 September.

19 Q And was it on the 12th when the -- when you had an  
20 encounter with soldiers at the university?

21 A Yes.

22 Q And have you to this date been able to identify the  
23 soldiers that robbed and beat you?

24 A No.

25 Q And you stated that you then were taken to the Estadio

1 Chile, the Chile Stadium.

2 A Uh-huh.

3 Q Is that a yes?

4 A Yes.

5 Q About how many -- or how many soldiers did you see  
6 when you entered the stadium?

7 A Many soldiers.

8 Q Could you care to approximate how many actually, how  
9 many soldiers you think you saw?

10 A No.

11 Q Can you estimate how many soldiers you saw?

12 A No, because the soldiers were coming and going, and  
13 they were moving. And whenever they came to speak to us,  
14 they came from different sectors.

15 Q What do you mean by sectors?

16 A From different regiments.

17 Q And how did you know that?

18 A Because the soldiers would talk to us.

19 Q And they would tell you that they were from different  
20 regiments?

21 A Yes.

22 Q Did they tell you who was the officer or official in  
23 charge of the stadium?

24 A Yes.

25 Q And who did they tell you that was?

1 A No, the officer himself said it.

2 Q And who was that?

3 A Mr. Manriquez.

4 Q And was this the individual who was making the  
5 announcements that you spoke about earlier?

6 A Yes.

7 Q And do you know what his rank was?

8 A No.

9 Q Now, you said that he made an announcement when  
10 Mr. Barrientos was there; is that right?

11 A Yes.

12 Q But you stated that the only thing he said was that  
13 now they knew what they were going to do with you, with all  
14 of you?

15 A Yes.

16 MR. URRUTIA: Objection, Your Honor. That's a  
17 mischaracterization of the testimony that was given by  
18 Miss Osorio.

19 THE COURT: Ladies and gentlemen, I've told you  
20 many times that what the lawyers say is not evidence. What  
21 the witness says is evidence.

22 So you rely upon your own recollection as to  
23 whether or not the lawyer's properly characterizing the  
24 witness' testimony. You heard it.

25 Thank you, sir.

1           You can proceed, Mr. Calderon.

2 BY MR. CALDERON:

3 Q       Could you just please restate what you heard Manriquez  
4 said? And that announcement was when Barrientos was  
5 present?

6 A       (Speaking.)

7 Q       No, my --

8 A       When he was waiting for him, Mr. Barrientos, before he  
9 spoke to him?

10 Q       No. My question is with reference to when  
11 Mr. Barrientos -- when you saw Mr. Barrientos, what was  
12 Manriquez saying?

13 A       Mr. Manriquez, when I saw him, he was saying that for  
14 every soldier that was killed, ten of the extremists would  
15 be killed.

16 Q       And that's when Mr. Barrientos was waiting to speak to  
17 him?

18 A       He was waiting, yes. And this was the result of all  
19 kinds of chaos and firefight that took place outside. And  
20 when he came back inside, this is -- Mr. Manriquez said  
21 that.

22 Q       And I appreciate the context, but I'm going to ask you  
23 just to answer the questions.

24           Now, you stated that there was another announcement  
25 made as Mr. Barrientos was leaving, correct?



1 A Yes.

2 Q And was that the comment that he said, Now I know what  
3 I'm going to do with you? And Manriquez said that?

4 A Yes.

5 Q Okay. Did Manriquez have any medals or insignia on  
6 his uniform indicating his rank?

7 A He had epaulets, but I don't know the rank.

8 Q Was Mr. Barrientos, did he have any insignia on his  
9 uniform?

10 A Epaulets.

11 Q Were there other officers in that area, in that  
12 balcony area, that you pointed to earlier that had insignia  
13 on their uniforms?

14 A Not at that time.

15 Q Is that what you use to distinguish the difference  
16 between the officers and soldiers?

17 A The epaulets.

18 Q So is that a yes?

19 A Yes.

20 Q Thank you.

21 Now, when you were interrogated, could you describe  
22 the uniform that the interrogator was wearing?

23 A Yes.

24 Q Could you please describe that?

25 A He was wearing an Army shirt, Army trousers, and a

1 beret.

2 Q Did that -- and what color was the shirt, pants, and  
3 the beret?

4 A Gray.

5 Q All three?

6 A Yes. The beret, no.

7 Q What color was the beret?

8 A Black.

9 Q Did this official have any insignia of his rank?

10 MR. URRUTIA: Objection, Your Honor.

11 THE WITNESS: (Speaking.)

12 THE COURT: I'm sorry, hang on just a minute.

13 Stop, please.

14 MR. URRUTIA: Mischaracterization of Miss Osorio's  
15 testimony.

16 THE COURT: Again, objection is overruled.

17 Ladies and gentlemen, you rely upon your  
18 recollection of the testimony of the witness.

19 You can proceed, Mr. Calderon.

20 MR. CALDERON: And I'll rephrase the question. I  
21 think I know what the discrepancy was.

22 BY MR. CALDERON:

23 Q Did this individual have any insignia on his person  
24 that would signify their rank?

25 A I don't recall.

1 Q You stated that you saw several of the professors  
2 being beaten.

3 A Yes.

4 Q Could you describe what the individuals that were  
5 beating the professors were wearing?

6 A Yes.

7 Q Please go ahead and describe the clothing.

8 A Some with field uniforms, except for this young man  
9 with the blue trousers and the light blue shirt.

10 Q Did he have any insignia on his person that would  
11 identify rank?

12 A The young man, no.

13 Q What about the individual in blue?

14 A No.

15 Q Did the blue uniform have any significance to you?  
16 Did it mean anything to you?

17 A It says -- not of the Army. It is aviation. Air  
18 Force.

19 THE INTERPRETER: Interpreter corrects himself.

20 BY MR. CALDERON:

21 Q And how did you know that?

22 A Because I know the uniforms. And later on after that,  
23 some people came in from the Air Force pointing out people  
24 for interrogation.

25 Q When you were at the Estadio Chile, did you see anyone

1 else in a different uniform other than the three that  
2 you've already described?

3 A No. I don't recall.

4 Q Did you ever see anyone who was a civilian in the  
5 Estadio Chile that was not a detainee?

6 A Yes.

7 Q And where did you see this person?

8 A In the same sector where the officer in charge would  
9 be.

10 Q Now, this individual in the blue that you -- you saw  
11 them -- is it true that you saw him beating the professors?

12 A The one in the blue trousers, yes, yes.

13 Q Have you been -- to this day, have you been able to  
14 identify that individual?

15 A No. He was very young. Quiet. Very short hair, such  
16 as was worn by the conscripts. It's etched in my mind, but  
17 never again have I been able to.

18 Q And you knew the person or the officer making the  
19 announcements by name, Enriquez, correct?

20 A Yes.

21 Q And were you ever asked to identify him?

22 A No.

23 Q Okay. You were shown a lineup back on April 28th  
24 of 2016, correct?

25 A Yes.

1 Q And were you asked whether you identified or were able  
2 to identify anyone within that lineup?

3 A Yes.

4 Q And the only person you were able to identify was  
5 Pedro Barrientos, correct?

6 A Correct. I had my doubts because they were pictures  
7 of younger men.

8 Q I appreciate the clarification.

9 Other than Mr. Barrientos, have you ever been asked to  
10 identify any of the soldiers or officers that you saw in  
11 the Estadio Chile?

12 A Yes.

13 Q When were you asked to do that one?

14 A A long time ago. In another trial in Chile.

15 Q And what year was that?

16 A I don't recall. Exactly, I don't recall.

17 Q And have you been asked to tell your story about what  
18 you witnessed in the Estadio Chile prior to today?

19 A Yes.

20 Q About how many times?

21 A Twice.

22 Q Do you recall when that was?

23 A Yes. Because of the Dimter trial.

24 Q And when was that?

25 A I don't recall the date at this moment. I can't

1 recall the date.

2 Q And without telling me the purpose, when was the other  
3 time?

4 A The other time was a trial as a result of the Chile  
5 Stadium.

6 Q Now, did you see a person by the name -- a person  
7 named Dimter in the Estadio Chile when you were a detainee  
8 there?

9 A Yes.

10 Q And where did you see him?

11 A He was one of the persons who beat a laborer.

12 Q And did you know, or did you witness him having any  
13 insignia on his uniform?

14 A I didn't see any -- he was in a shirt. And when they  
15 were -- when I saw him, they were bringing this man from  
16 upstairs down. He was placed in this corridor. And that's  
17 when they beat him.

18 Q Now, Dimter, would you describe him as fair-skinned?

19 A Clear skin, not white.

20 Q And did he have light colored eyes?

21 A The skin?

22 Q No. His eyes.

23 A Yes.

24 Q Do you remember what color his eyes were?

25 A Kind of like light brown.

1 Q And do you remember what color hair he had?

2 A Brown, light chestnut, short.

3 Q And during that trial in Chile, were you asked to  
4 identify him?

5 A Yes.

6 Q And were you able to?

7 A Yes.

8 Q And that was -- estimating, about how many years ago  
9 was that?

10 A About six, seven years ago.

11 MR. CALDERON: No further questions.

12 THE COURT: Any redirect?

13 **REDIRECT EXAMINATION**

14 BY MR. URRUTIA:

15 Q During my colleague's questions -- excuse me.

16 During my colleague's questions, you were asked the  
17 color of the uniform of an individual that interrogated  
18 you.

19 What color uniform was it?

20 A Gray.

21 Q When you saw Barrientos, what color uniform was he  
22 wearing?

23 A Gray, from the Army.

24 Q To your knowledge, did all of the soldiers that you  
25 saw at Chile Stadium that were from the Army have gray

1 uniforms?

2 A Yes, except for those that were wearing field or  
3 fatigue uniforms, which were greenish with black splotches.

4 Q During my colleague's questions, you also referenced  
5 the beating of a worker. Can you describe what you saw?

6 A Yes. The workman screamed from about -- "Long live  
7 Allende."

8 And immediately, Dimter, the officer Dimter, comes  
9 running up with other soldiers. They took him down the  
10 staircase, dragging him. They drug him down. They beat  
11 him. They beat him and hit him in the back of the head  
12 with a rifle stock, and the blood spurted out. And they  
13 took him down.

14 Q Based upon what you saw in that moment, do you believe  
15 that worker was dead or alive?

16 A I think he was dead. I believed that he was dead.

17 Q Did you see this worker holding any weapons?

18 THE COURT: Excuse me. I think this is beyond the  
19 scope of the cross-examination. I'm going to -- since  
20 Mr. Calderon will not be given an opportunity to readdress  
21 this witness, I think you've gone too far afield.

22 So let's move on to a new question.

23 MR. URRUTIA: I have no further questions,  
24 Your Honor.

25 THE COURT: Thank you very much.



1 All right. Ladies and gentlemen, let's take our  
2 lunch break. There's a little glare on the clock. It  
3 looks like it's 20 after to me, from here. So let me ask  
4 you if you would come back at, that would be 1:40.

5 And let me remind you this is not the time to  
6 discuss the case amongst yourselves or with anyone else. I  
7 hope you have a pleasant lunch. I don't know what the  
8 weather's like outside. I haven't been out myself yet.  
9 But we'll see. And I'll see you back here at 1:40.

10 (Jury exited the courtroom at 12:19 p.m.)

11 THE COURT: Counsel, may this witness be excused?

12 MR. URRUTIA: Yes, Your Honor. My apologies.

13 THE COURT: Mr. Calderon?

14 MR. CALDERON: Yes, Your Honor. Yes.

15 THE COURT: All right.

16 Ma'am, you are excused. If you are here under a  
17 subpoena, you're released from your subpoena. You're free  
18 to go about your business.

19 We'll be in recess until 1:40.

20 (Luncheon recess at 12:19 p.m. to 1:40 p.m.)

21 THE COURT: We're back on the record in Jara  
22 versus Barrientos Nunez, 6:14-civil-1426.

23 The Court notes counsel and the parties are  
24 present.

25 Do you need me before we bring our jury back?

1 MR. BECKETT: No, Your Honor.

2 THE COURT: Let's bring them in.

3 Who's our next witness, Mr. Beckett?

4 MR. BECKETT: Your Honor, the next witness will be  
5 Manuel Isidoro Chaura Pavez. Chaura, C-H-A-U-R-A.

6 THE COURT: Thank you.

7 MR. BECKETT: The date of the deposition was  
8 November 19, 2015.

9 THE COURT: Mr. Beckett, the witness we had just  
10 before Miss Osorio, who testified by video, what was his  
11 name again?

12 MR. BECKETT: Yes. That was Jose Benito Garcia  
13 Mella. Mella, M-E-L-L-A.

14 THE COURT: Thank you.

15 (Jury entered the courtroom at 1:44 p.m.)

16 THE COURT: Welcome back, ladies and gentlemen. I  
17 hope you had a good rest over lunch.

18 Were all of you able to follow my instructions not  
19 to discuss the case amongst yourselves or with anyone else?

20 JURY: Yes.

21 THE COURT: As you can see, in your absence over  
22 lunch, the tech people got the big screen deployed and the  
23 projector set up.

24 Are all of you able to see that screen clearly  
25 from your current seats?

1 JURY: Yes.

2 THE COURT: If not, we can move you a little bit.  
3 Are you happy with your view?

4 JURY: Yes.

5 THE COURT: Okay. Great.

6 Plaintiff, call your next witness.

7 MR. BECKETT: At this time plaintiffs call Manuel  
8 Isidoro Chaura Pavez. And his deposition was November 19,  
9 2015.

10 THE COURT: All right. Ladies and gentlemen,  
11 you'll remember my prior instructions with respect to video  
12 deposition.

13 This testimony was taken previously under oath  
14 with the lawyers present. You should give it the same  
15 consideration you would as if the witness were here  
16 testifying before you live.

17 You may proceed, Mr. Beckett.

18 MR. BECKETT: Thank you, sir.

19 (Playing video deposition of  
20 Manuel Isidoro Chaura Pavez.)

21 MR. BECKETT: Judge, that's the end of that tape.

22 If I can make a suggestion about the two other  
23 tapes we have. If the Court thought it were convenient, we  
24 could take a break now, play one more tape which is about  
25 an hour and ten minutes, take another break, and then pick

1 up. It might help the viewing process.

2 THE COURT: All right. How long is the second  
3 one? The first one is about an hour and ten minutes?

4 MR. BECKETT: An hour and ten minutes.

5 The second one, an hour and ten. Both about an  
6 hour and ten. I'm not sure we'll finish the second one.  
7 We will try. But I'm not sure.

8 THE COURT: All right. It's a little bit early  
9 for our break. But why don't we go ahead and do that, take  
10 our break now and come back. That way we won't have to  
11 interrupt the testimony.

12 Yes, Miss Platt.

13 JURY: Your Honor, there was a question at time  
14 2034 where I believe there was a gentleman speaking and the  
15 sound got much quieter. I was wondering if there would be  
16 a possibility to read from the transcript what the question  
17 was and get a response.

18 THE COURT: Okay. Thank you.

19 Can you locate that, Mr. Beckett?

20 MR. BECKETT: We can. The transcript is based on  
21 page numbers, but we'll coordinate them. Just give us one  
22 second.

23 THE COURT: Why don't we do this, Miss Platt.

24 Let's take our break, and during the break the lawyers will  
25 have a chance to figure out exactly where it is. And then

1 when we come back, we'll read the question and answer that  
2 you had some difficulty with.

3 MR. BECKETT: Thank you.

4 THE COURT: We'll be in recess for 15 minutes.  
5 That will be ten minutes after 3:00.

6 (Jury exited the courtroom at 2:54 p.m.)

7 THE COURT: For the lawyers' benefit, I was just  
8 speaking to Miss Platt about her schoolteacher. I just let  
9 her know that I had not yet heard from one of her  
10 professors. She let me know that she had heard from the  
11 professor, who was fine, just encouraged her to try to get  
12 her work done and let her know when she got her certificate  
13 for service.

14 MR. BECKETT: Great.

15 THE COURT: I just wanted you to know -- I wanted  
16 to share with you what my exchange was with the juror.

17 We'll be in recess for 15 minutes.

18 (Recess at 2:55 p.m. to 3:13 p.m.)

19 THE COURT: All right. Back on the record in Jara  
20 versus Barrientos Nunez, 6:13-civil-1426.

21 For the record, all counsel and parties are  
22 present.

23 Is our jury ready, Mr. Carter?

24 COURT SECURITY OFFICER: Yes, sir.

25 THE COURT: Let's bring them back, please.

1 (Jury entered the courtroom at 3:15 p.m.)

2 THE COURT: Welcome back, ladies and gentlemen.

3 Mr. Beckett, were you able to locate the line and  
4 page in question?

5 MR. BECKETT: Yes, Your Honor.

6 THE COURT: Page and line in question.

7 All right. Would you publish the question and the  
8 answer, please.

9 MR. BECKETT: Yes.

10 "Question: Well, let me ask it this way. How did  
11 you know the officer was Barrientos as opposed to somebody  
12 else?

13 "Answer: Because I had already seen him at the  
14 School of Engineers, and I knew him.

15 "Question: Is it possible that you may have  
16 confused him for another officer?

17 "Miss Hioureas: Objection.

18 "The Witness: No, because he was dark-skinned.

19 "By Mr. Kubicz: Question: All right. Well, now  
20 can you tell us, and to the best of your ability, in meters  
21 or in some other unit of measurement how far you were from  
22 Barrientos when you saw him at Chile Stadium?

23 "Answer: About ten meters, more or less."

24 THE COURT: Thank you, sir.

25 Miss Platt, does that address your concerns?

1 JURY: Yes, Your Honor.

2 THE COURT: All right. Thank you.

3 Call your next witness.

4 MR. BECKETT: Plaintiffs now call Mario Arturo  
5 Gonzalez Riquelme. The date of his videotape deposition is  
6 November 21st, 2015.

7 THE COURT: Thank you, Mr. Beckett.

8 Same instruction, ladies and gentlemen, with  
9 respect to the consideration of the testimony. I know  
10 you're getting tired of me saying that, but it's important  
11 that I make a record and tell you each time how to consider  
12 the testimony.

13 (Playing video deposition of  
14 Mario Arturo Gonzalez Riquelme.)

15 THE COURT: Ladies and gentlemen, it looks like  
16 we've completed the testimony of that witness. Why don't  
17 you stand and stretch for a minute and loosen up a little  
18 bit. And we'll at least get underway with this next  
19 witness between now and 5:00.

20 Who is your next witness, Mr. Beckett?

21 MR. BECKETT: Next witness would be Carlos Daniel  
22 Rivero Valenzuela.

23 THE COURT: Also by video?

24 MR. BECKETT: Yes. The video deposition was  
25 November 16th, 2015.

1           THE COURT: All right. Same instruction, ladies  
2 and gentlemen.

3           Go ahead and stretch for a few minutes, get  
4 loosened up. And I'll keep an eye on you. When you're  
5 ready, we'll get underway.

6           Ladies and gentlemen, while you're stretching a  
7 little bit, I've got -- let me give you a preview of  
8 tomorrow's schedule. I have got some other matters that I  
9 have to take care of in unrelated cases.

10           I've got -- the third Thursday of each month is  
11 when I do my criminal status conferences and civil pretrial  
12 conferences. I start those pretty early in the morning,  
13 about 8:30, and I've got quite a number of them.

14           I'm not going to need you all back here tomorrow  
15 until about 11:00 because it will take me that long to take  
16 care of the things I need to take care of in the morning.  
17 So I hope you have something productive you can do during  
18 that time and it's not completely wasted. But I won't need  
19 you to report here until 11:00 tomorrow.

20           And then I have to -- I have a lunch obligation  
21 that starts at 12:15 with the Federal Bar Association --  
22 well, you probably don't care about any of this, but I'll  
23 tell you since I started.

24           The Federal Bar Association has a lunch  
25 periodically where they have younger lawyers that sign up



1 and come to have a lunch in chambers. I think there are  
2 10 or 15 of them. Anyway, it's been scheduled for a long  
3 time, so I need to take that commitment. It will take me  
4 from 12:15 -- but it's right here next door.

5 The point is, we won't get much work done, but  
6 we'll at least get an hour or so in tomorrow morning before  
7 we have to break for lunch.

8 And, of course, my staff will be here from 8:30  
9 on, so I have to give them a lunch break. They insist on  
10 eating. So I'll give them a lunch break during that period  
11 of time.

12 But, so you'll know for your scheduling purposes,  
13 I'll need you here by 11:00 and we'll work until 12:00,  
14 12:10 or so, and then we'll take our customary lunch break  
15 and come back.

16 I do think, however, and I'll get the lawyers'  
17 assessment later on after you all leave, I think we're  
18 making good progress. So I'm not too concerned about  
19 meeting our schedule.

20 So anyway, are you ready to proceed with your next  
21 witness, Mr. Beckett?

22 MR. BECKETT: Yes, Judge.

23 THE COURT: All right.

24 (Playing video deposition of  
25 Carlos Daniel Rivero Valenzuela.)

1           THE COURT: Let's stop here for the day,  
2 Mr. Beckett.

3           Ladies and gentlemen, I'm going to excuse you for  
4 the evening. Thank you for your diligence and your  
5 patience today. I know it can be difficult sometimes,  
6 especially with this video testimony, to stay alert.

7           And you all have done a very good job. I've been  
8 watching you and you've been very dutiful in your attention  
9 to the proceedings. And I appreciate it and I know the  
10 parties do as well.

11           Now, remember not to discuss the case amongst  
12 yourselves or with anyone else. Avoid any exposure to the  
13 media, regardless of whether it's electronic, print, or  
14 radio and TV.

15           I'll see you back in the morning. Remember,  
16 11:00. We'll be ready to go at 11:00. We'll work until a  
17 little bit after noon, take our usual break. And then I'm  
18 sure we'll have a full afternoon.

19           Hope you have a pleasant evening and hope you can  
20 make productive use of the morning. I'll see you at 11:00.

21           (Jury exited the courtroom at 5:00 p.m.)

22           THE COURT: Mr. Beckett, how do you think we're  
23 doing in terms of our progress?

24           MR. BECKETT: I think we're doing quite well,  
25 Judge. I'm not sure at this point if the plaintiffs will

1 be prepared to rest on Friday. That had been our  
2 optimistic hope. But if not on Friday, by Monday morning.

3 Tomorrow we do have some more videotape deposition  
4 testimony. We're finding ways -- exploring ways of  
5 interspersing that with another live witness tomorrow so  
6 that we can avoid having straight videos.

7 But I think we're doing fairly well.

8 THE COURT: Okay. So you heard me mention to the  
9 jury my schedule for tomorrow. I know we went over it at  
10 the pretrial conference. But I've got -- I mean, I'm going  
11 to be tied up until -- it looks like I'm only going to have  
12 one civil pretrial tomorrow. But I do have -- I'll have a  
13 room full in the morning of criminal status conferences.

14 So you all need to tidy up as best you can, and  
15 leave the lawyers -- the counsel tables clean, because they  
16 will need to be able to be used tomorrow morning. And I'll  
17 plan on picking back up with you all then at 11:00.

18 Anything else you need me for this evening?

19 MR. CALDERON: No, Your Honor.

20 THE COURT: Mr. Beckett?

21 MR. BECKETT: No, sir.

22 THE COURT: Okay. Great. Thank you.

23 MR. BECKETT: Thank you.

24 THE COURT: You all have a good evening. And  
25 enjoy your time off tomorrow. I'm sure you've got plenty

1 to do to get ready. I'll see you at 11:00.

2 (Proceedings adjourned at 5:02 p.m. until

3 Thursday, June 16, 2016, at 11:00 a.m.)

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5  
6 C E R T I F I C A T E

7  
8 I certify that the foregoing is a correct  
9 transcript from the record of proceedings in the  
10 above-entitled matter.

11  
12 s\Amie R. First, RDR, CRR, CRC, CPE

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14 INDEX

15 PLAINTIFF WITNESSES

16 DIRECT CROSS REDIRECT RECROSS

17 ERICA DEL TRANSITO OSORIO ARAYA 14 44 55  
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19  
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