

U N R E D A C T E D

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ANA PATRICIA CHAVEZ, CECILIA)
SANTOS, JOSE FRANCISCO)
CALDERON, ERLINDA FRANCO, AND)
DANIEL ALVARADO,)

Plaintiffs,)

VS.)

NICOLAS CARRANZA,)

Defendant.)

NO. 03-2932-MI/P

TRIAL PROCEEDINGS
BEFORE THE HONORABLE JON PHIPPS MCCALLA, JUDGE
NOVEMBER 7, 2005
VOLUME VI

BRENDA PARKER
OFFICIAL REPORTER
SUITE 942 FEDERAL BUILDING
167 NORTH MAIN STREET
MEMPHIS, TENNESSEE 38103

A P P E A R A N C E S

Appearing on behalf of the Plaintiffs:

BASS BERRY & SIMS PLC
315 DEADERICK STREET, SUITE 2700
NASHVILLE, TENNESSEE 37238-3001
By: DAVID R. ESQUIVEL, ESQ.

CAROLYN PATTY BLUM, ESQ.
CENTER FOR JUSTICE & ACCOUNTABILITY
291 WEST 12TH STREET
NEW YORK, NEW YORK 10014

MATTHEW J. EISENBRANDT, ESQ.
CENTER FOR JUSTICE & ACCOUNTABILITY
870 MARKET STREET, SUITE 684
SAN FRANCISCO, CALIFORNIA 94102

Appearing on behalf of the Defendant:

FARGARSON & BROOKE
65 UNION AVENUE
9TH FLOOR
MEMPHIS, TENNESSEE 38103
By: ROBERT M. FARGARSON, ESQ.
BRUCE BROOKE, ESQ.

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TERRY LYNN KARL

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MONDAY MORNING AND AFTERNOON
NOVEMBER 7, 2005

The trial of in this case resumed on this date, Monday, November 7, 2005, at 8:45 o'clock a.m., when and where evidence was introduced and proceedings were had as follows:

THE COURT: All right. I think we're ready. We did wait a minute and let them have a chance to finish their snacks, which got here a little late. Anything else before we start?

MR. FARGARSON: Could we approach the bench?

THE COURT: Sure, absolutely.

(The following proceedings had at side-bar bench.)

MR. FARGARSON: Several things about the next witness who is going to testify. And first of all, we want to object to these pictures on the basis that the gruesomeness of them and the probative value of them, I mean their prejudicial value outweighs the necessity to show those to the jury since they already know and have heard evidence of this and things of that nature. And I'm sure you will hear some more from this witness. That's

1 number one.

2 MR. ESQUIVEL: Your Honor, those pictures go to
3 the widespread attack. The plaintiff's evidence is 10,000
4 civilians were killed during the course of a year, and
5 those photos demonstrate that fact.

6 THE COURT: I know that they're unpleasant,
7 but, unfortunately, they're not so -- they're bad, but
8 they're not -- we have seen worse.

9 MS. BLUM: Excuse me, Your Honor.

10 THE COURT: They're not of a nature that you
11 would not typically allow a jury to see them, that's all
12 I'm saying. And also the plaintiffs have the burden of
13 proof in this area, and I think it might be a problem if I
14 didn't allow them this opportunity to present this type of
15 proof. The widespread knowledge of the -- of activity is
16 somewhat demonstrated by these types of photographs as to
17 which there has already been some testimony.

18 MR. FARGARSON: Okay. Number two -- so we
19 except to the court's ruling.

20 THE COURT: Certainly.

21 MR. FARGARSON: Number two is -- now, this
22 witness is a political science major, teacher, not a
23 military expert, and yet she is purporting to give duties
24 of the military and stating what Carranza should have
25 done. I mean I think she can testify about the history.

2 history of the military, but I don't believe that she has
3 the credentials that Jose Garcia had as a military man to
4 give these conclusory opinions about what Nicolas
5 Carranza should have done and, secondly, those are issues
6 for the jury to determine, not for her to determine and
7 give evidence on as a historical expert.

8 MR. BROOKE: There is one in the front too.

9 THE COURT: Is there one in the front?

10 MR. BROOKE: Where she wants to talk about the
11 chain of command.

12 MR. ESQUIVEL: She is being offered as an
13 expert in the political history of El Salvador, which
14 includes the role of the military within the government of
15 El Salvador. So the military chain of command is
16 necessary for her to explain how the military fit into the
17 political structure. And as to what Colonel Carranza
18 could have done, as a political scientist, she studies
19 human rights abuses and she studies in particular -- human
20 rights abuses in El Salvador and other countries, and so
21 part of her expertise is what governments can do or should
22 do to prevent or investigate human rights abuses, and
23 that's the nature of her testimony at the --

24 THE COURT: It is generally outside the area
25 that most people feel comfortable that they have knowledge

1 in and does call for some expert presentation. I think

2 her credentials are a matter that the jury will weigh,
3 that they may or may not conclude that they value her
4 opinion, but I think it's the type of statement that can
5 be made. These are the types of statements that can be
6 made. I should allow it. I was pretty clear that without
7 some expert opinions, many people would be left to
8 speculation about these types of issues, they just
9 wouldn't feel comfortable that they had knowledge in this
10 area. I think it is helpful to have it. I think that she
11 is allowed to give the opinion, and then the jury will
12 just have to decide who they accept and who they don't
13 accept or what they don't accept or do accept as valuable
14 evidence in the case. But I think it is appropriate. It
15 seems pretty carefully stated also. It -- she -- as I
16 understand it, her opinion will be that these are things
17 that she could have done, these were options of things
18 available, not so much that he had to do them, although
19 the argument would be that he should have done them.

20 MR. FARGARSON: Right.

21 THE COURT: She will say these are things that
22 you can do?

23 MR. ESQUIVEL: That's correct, Your Honor.

24 THE COURT: And I think that it would be
25 helpful to the jury.

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1 MR. FARGARSON: Well, I still -- respectfully,
2 Your Honor, I think that's much broader than she ought to
Page 9

3 be allowed to testify. I mean she is getting into the
4 area of what military people should do, not what history
5 is, and I understand she has studied a number of things,
6 but she has never been in the military. She hasn't been a
7 part of the military --

8 THE COURT: And I think that's an area where
9 she can be cross examined. I do agree with you in that
10 regard, and the jury may decide that that is just -- her
11 credentials are insufficient in that area. I -- but it is
12 really an issue that the jury should be allowed to
13 address, not that I should preclude the jury from hearing
14 that.

15 Anything else?

16 MR. FARGARSON: No.

17 We except to that too.

18 THE COURT: All right.

19 (The following proceedings were had in open
20 court.)

21 THE COURT: All right. We can bring our panel
22 in.

23 (Jury in at 8:47 a.m.)

24 THE COURT: Okay. You may be seated. And
25 thank you for coming in so early this morning. We did

1 take up a couple of things at the side bar, but I also did
2 hear that you didn't get your snacks until a little late,

carranza06 Karl direct.txt

3 so we have been delayed a little bit. I think we're ready
4 for our next witness. Who will our next witness be?

5 MR. ESQUIVEL: Your Honor, the plaintiffs call
6 Professor Terry Lynn Karl.

7 THE CLERK: Ma'am, if you will raise your right
8 hand to be sworn. Do you solemnly swear the testimony you
9 are about to give the court and jury in this matter to be
10 the truth, the whole truth and nothing but the truth, so
11 help you God?

12 THE WITNESS: I do.

13 THE CLERK: You may take the witness stand.

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DIRECT - TERRY LYNN KARL

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1 TERRY LYNN KARL,
2 was thereupon called as a witness on behalf of the
3 Plaintiff, and having been first duly sworn, was

4 examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. ESQUIVEL:
7 Q. Good morning, Professor Karl.
8 A. Good morning. Good morning.
9 Q. Professor Karl, where are you from originally?
10 A. From St. Louis, Missouri.
11 Q. And where did you receive your education?
12 A. At Stanford University in Palo Alto, California.
13 Q. Where did you do your undergraduate work?
14 A. Stanford University.
15 Q. And do you have any graduate level degrees?
16 A. I do. I have a master's degree and a doctorate.
17 Q. And where are those from?
18 A. Stanford University, doctorates in political science.
19 Q. What do you do for a living, Professor Karl?
20 A. I'm a professor at Stanford University at Palo Alto.
21 Q. And how long have you done that?
22 A. I have been at Stanford since 1987. Before that, I was
23 a professor in the government department at Harvard University
24 in Boston, Massachusetts -- Cambridge, excuse me.
25 Q. What position do you hold at Stanford University?

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DIRECT - TERRY LYNN KARL

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1 A. I'm the professor of Latin American studies and
2 professor of political science.
3 Q. And what kinds of courses do you teach?

4 A. I teach courses on Latin America. I teach courses on
5 Central America. I teach courses on how military
6 authoritative regimes break down and how new democracies are
7 built. I teach courses on human rights, and I teach courses
8 on what are called mechanisms of accountability, meaning how
9 do you hold people accountable for crimes and human rights
10 abuses after military dictatorships. So in that course, I
11 look at things like trials or what are called Truth
12 Commissions.

13 Q. What is a political scientist, Professor Karl?

14 A. Political scientist studies power, we study who has it,
15 who doesn't have it, why they have it, how they use it, how
16 they lose it, what are the mechanisms of power in a particular
17 country. And when we are country experts, we're Latin
18 American experts, we usually divide ourselves by region, first
19 of all, say, Africa or Latin American, and then, secondly, by
20 country. So if you're an expert in El Salvador, which I am,
21 that means you need to know how the country actually works
22 politically, like who has power, who exercises power, how do
23 they exercise it, who benefits, who loses, who gets hurt, who
24 gains, all those kinds of questions, and we, because of that,
25 because I'm a specialist in Latin America, one of the main

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DIRECT - TERRY LYNN KARL

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1 areas that we have to work in is militaries since militaries
2 have exercised power in a number of Latin American countries
3 for a long time.

4 Q. Have you written any books or articles about Latin

5 America?
6 A. Yes, I have.
7 Q. Tell the jury about those, please.
8 A. I have written -- I have written several books. Two of
9 them have won prizes. One has been chosen one of the two best
10 books on Latin America. Another one, I won a prize from the
11 European community for the argument about the relationship
12 between power, democracy and environment. I have written lots
13 of articles. I actually don't know how many. And I actually
14 prefer writing articles. I have written a number of articles
15 on Central America and El Salvador, in particular.
16 Q. Do you have any experience, Professor Karl, as a policy
17 advisor in the area of Latin America?
18 A. I do, and the -- that's largely a result of my work in
19 Latin America, but also my articles, and in particular, two
20 articles in particular about El Salvador that were important
21 involving policy questions. One was an article I wrote that
22 was called After La Palma. La Palma was an effort to find a
23 negotiated settlement in the civil war of El Salvador, and I
24 wrote this article in the early 80s. That article was
25 important because what I said in that article and then later

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DIRECT - TERRY LYNN KARL

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1 said in the New York Times was this was a war that actually
2 could not be settled by one side beating the other, that it
3 was a conflict that could only be settled by negotiations
4 since by the time I wrote this article, which is quite a bit

5 of time after the period we're discussing, the FMLN, which was
6 the guerilla opposition, the armed opposition, had become a
7 real army and had been able to actually face off the
8 government army in some way, and that article argued for a
9 negotiated settlement. As a result of that article, I started
10 working with the Congress of the United States. I had
11 actually been working with them earlier, but I started working
12 on how to design a peace agreement, and then I eventually
13 became one of the advisors to the secretary general of the
14 United Nations in the UN negotiated piece agreements in El
15 Salvador. The United Nations eventually in the '90s helped to
16 negotiate a peace agreement, and I was the consultant to the
17 chief representative of the secretary general of the United
18 Nations.

19 Q. And what specifically did you do in that role,
20 Professor Karl, in participating in the formation of a peace
21 agreement?

22 A. In that role, in the United Nations, I did a number of
23 things. I had worked in El Salvador for years. I had been
24 back and forth and back and forth inside the country. I had
25 interviewed people across the political spectrum from the left

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DIRECT - TERRY LYNN KARL

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1 to the right, so everybody knew me; and as a result of the
2 arguments that I was making in writing about why it had to be
3 settled, I had interviewed very strongly inside the military,
4 a number of military officers, colonels, et cetera. I had
5 interviewed Roberto D'Abuissou who was considered the leader

6 of the right -- extreme right opposition in El Salvador. I
7 had interviewed President Duarte who was a Christian democrat.
8 He's the one whose symbol is a fish that I think you have
9 heard about. He was -- the Christian democrats were a party
10 located somewhat in the center. I had been in the guerilla
11 zones and interviewed inside the guerilla zones, so I think I
12 was one of the few people who had interviewed across the
13 spectrum. And as a result of that, I agreed to chair what
14 were called pretalks. These were secret talks that were held
15 in an undisclosed location that brought together people from
16 the military and from the guerillas to discuss talking about
17 talking, if I can put it that way. They were not peace talks,
18 it was whether or not they were going to have peace talks, and
19 we either call those pretalks or talks about talks.

20 Q. When did those talks occur?

21 A. Those happened actually in 1989. They were -- they
22 were sparked by the murder of six Jesuit priests. Military
23 high -- well, a group of colonels had ordered the murders of
24 six Jesuit priests who were very important in creating a
25 bridge between the right and the left, and that murder was

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DIRECT - TERRY LYNN KARL

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1 extremely -- those murders were extremely shocking. They
2 happened in November of 1989, there were 16. Three of those
3 priests had been people that I had worked with for a long
4 period of time, and two days before they were murdered, my
5 university, Stanford had offered three of them visiting

6 professorships at Stanford, and I had actually called Father
7 Nacho Martin Baro and Father Segundo Montes and Father
8 Ellacuria to tell them that I had become desperately afraid
9 that someone was going to kill them. By this point I really
10 understood the terror in El Salvador, and that we had
11 scholarships for them to leave, and they said that they could
12 not leave their own country, that they wanted to stay, that
13 they felt a peace agreement was essential, so they didn't
14 leave; and on November the 16th, they were all murdered. That
15 murder sparked such a huge outcry really all over the world
16 and in the United States and in the United States Congress
17 that it was really the murders that brought about the talks,
18 because it was clear at that point that there was not going to
19 be any more aid in El Salvador and that there was not going to
20 be any more support for a war.

21 Q. And how long did those talks continue?

22 A. Well, the UN official talks were different. The
23 pretalks were very short. Extremely difficult, I might add.
24 It was the first time some of the Salvadorans had actually
25 been in the same room with people they had been fighting for a

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DIRECT - TERRY LYNN KARL

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1 long time. And El Salvador is such a small country I should
2 say, that most of these people knew each other somehow, so it
3 wasn't very odd that they were fighting, but they were also
4 saying and how is your mother, is she doing all right, you
5 know, since this is a very tiny country and it is very easy to
6 know people all around, particularly in certain groups in the

7 country. So that started what became the UN peace talks, and
8 those talks actually lasted for about two years. They lasted
9 from '90 to '92 when the peace agreement was signed, and then
10 the results of the peace agreement, the things that had been
11 negotiated were carried out really from '92 all the way
12 through '95, '96, at which point I was also very involved in
13 that. The peace talks required -- so I was a consultant in
14 the peace talks the whole time, during the whole process.
15 Although I was not present inside the peace talks, that was
16 only between the United Nations representative of the
17 secretary general and the people on the side of the armed
18 opposition and on the side of the military, so those talks
19 were between Salvadorans with a UN facilitator. I then --
20 after the peace talks were signed, I started working in El
21 Salvador in several capacities. I worked to help design a
22 fair electoral system. There had been so much electoral
23 fraud in El Salvador that there was no confidence in the vote.
24 The vote had all always been manipulated in that country, and
25 the argument was that 1994 was going to be the first free and

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DIRECT - TERRY LYNN KARL

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1 fair elections, they were actually called the elections of the
2 century, that's the way they were referred to. And that meant
3 that we had to find some way of guaranteeing that those
4 elections would be fair.

5 Q. What role did you have in that process?

6 A. I did a number of things in that part. I helped -- one

7 of the big problems is that there were no electoral rolls,
8 and the rolls that did exist, there were many people who had
9 been killed, there were other people whose names appeared
10 twice, there were a lot of dead people voting, things like
11 that. So we helped create a new electoral register, and that
12 meant that we had to register Salvadorans all over the
13 country. This was very difficult because during the war a lot
14 of the buildings of the government had been damaged or records
15 burned, et cetera. So we really had to create everything from
16 scratch. I helped in that process. I helped in the process
17 of creating a consejo supremo electoral, which is an
18 electoral counsel that would adjudicate problems in the
19 elections if one side challenged the credentials of another
20 side, they would make a fair adjudication. I helped monitor
21 the elections when they were actually held. I was on the
22 Honduran Salvadoran border monitoring the elections. The
23 other role I played for a short period of time was, I think,
24 probably through a mix-up. The United Nations had assigned me
25 the job of beginning the disbanding of the security forces.

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DIRECT - TERRY LYNN KARL

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1 One of the results of the peace agreement was that the
2 security forces, and by that, I mean the national police, the
3 treasury police and the national guard were so thoroughly
4 repressive and corrupt, they were such unreformable forces
5 that they had to be completely disbanded.

6 Q. And give the jury a sense of what time you were talking
7 about that you were involved in this process of disband.

8 A. This is after the peace agreement, so I'm talking about
9 the '90s, and I'm really not talking about the period of time
10 that we have been discussing in the trial, but my role then
11 because I had worked in understanding these forces and how
12 they had been built and what they were doing, was to begin the
13 process of disbanding the security forces. There was an
14 agreement between both sides that all security forces would be
15 disbanded and then a new police force would be built. The new
16 police force was going to be comprised of representatives from
17 the military who had clean human rights records. In other
18 words, they had to prove that they had not been in command
19 positions during periods of major human rights abuses or in
20 battalions that had committed these abuses. It was also made
21 up of representatives of the FMLN, which is the guerilla
22 organization, and those representatives also had to show that
23 they were not involved in areas where serious human rights
24 abuses had occurred, and then finally it was comprised of
25 civilians who had never fought or had any relationship with

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DIRECT - TERRY LYNN KARL

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1 either side, and so we called it the one-third, one-third,
2 one-third agreement, because it was a new police force made up
3 of all these groups.

4 Q. Now, Professor Karl, let me take you back to the 1980s,
5 did you have personal experience in El Salvador, did you visit
6 El Salvador frequently during that time?

7 A. Yes, I did. I visited El Salvador a number of times

8 during the period that we're talking about. I actually don't
9 know how many times I was there. I was in and out quite a
10 bit.

11 Q. Did you personally witness some of the violence that
12 the jury has heard testimony about last week?

13 A. Yes, I did. My first -- my first trip -- actually, one
14 of the things I remember most, was my very first day in El
15 Salvador where I really didn't understand how terrified
16 everybody was. It looks so normal, I have to tell you. You
17 land there, and it wasn't a war, it was a city just like
18 Memphis, everybody walking down the street, everything looked
19 normal. And as it started to get dark, I was standing at a
20 bus stop, and a black car drove up with windows that were dark
21 glass, drove up to the bus stop; and all of a sudden,
22 everybody ran away, and I was the only person standing at the
23 bus stop. And I remember thinking why are they all running,
24 and I looked inside, you couldn't see inside the car, but they
25 opened the window and said something to me, and I realized

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DIRECT - TERRY LYNN KARL

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1 that these were security forces and people were just waiting
2 for a bus, they just disappeared, they didn't want to be
3 there; and that was my first inkling.

4 I then saw -- I went shopping actually. My hotel was
5 right across the street from a shopping center called Metro
6 Centro, and I was trying to buy something for my goddaughter,
7 and I went actually into the Metro Centro, which is the same
8 place that Cecilia Santos, one of the plaintiffs, in this

9 trial mentioned to you. She said she had gone into this place
10 to buy something for a child. It might have even been the
11 same shop that I was trying to shop at, and that that is where
12 she had been taken. I went into that same shopping center,
13 and there was a woman who had been killed lying in the front
14 of the shopping center. It would be like walking into Peabody
15 Place and seeing a body right in the front, it was just right
16 there. And there were all kinds of people around it. That
17 was probably the first thing I saw. I then saw -- I saw a
18 body in the parking lot of my hotel when I was trying to walk
19 over to McDonalds, it was on the way to McDonalds. I saw
20 bodies by the side of the road. I saw bodies in body dumps.
21 Body dumps are places that the security forces used to
22 regularly leave bodies so that you would know that this was a
23 place where they would discard bodies.

24 MR. ESQUIVEL: Your Honor, may I have
25 permission to approach the witness, please?

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DIRECT - TERRY LYNN KARL

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1 THE COURT: You may.

2 BY MR. ESQUIVEL:

3 Q. Professor Karl, I have handed you a picture. Could you
4 tell me, please, what that picture is?

5 A. Yes, it's a picture -- I should say that seeing all
6 these bodies and realizing that one of the issues in the U. S.
7 Congress, which is where I started to work really right away
8 after seeing all this, one of the issues was who was dying and

9 who was killing them. That was one of the things that we
10 really had to find out, and so I began to investigate the
11 process of who was dying and who was killing them. That was
12 what I wanted to know. And this is a picture that shows the
13 collection of bodies actually, so...

14 MR. ESQUIVEL: Your Honor, the plaintiffs at
15 this time move this photograph into evidence as
16 Exhibit 18.

17 THE COURT: So received.

18 MR. BROOKE: I believe it is 20.

19 THE CLERK: 20.

20 THE COURT: It is Exhibit 20.

21 (Exhibit Number 20 was marked. Description:
22 Photograph.)

23 BY MR. ESQUIVEL:

24 Q. Now, Professor Karl, you had referred to body dumps,
25 and could you please continue with what you were saying about

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DIRECT - TERRY LYNN KARL

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1 this picture and what you were saying?

2 A. Yes, sir. This is a picture of a place -- one of the
3 places where bodies were dumped were by the sea, and if you
4 look at this picture, this is actually part of a series of
5 pictures which are actually quite devastating. I'm just
6 showing you the collection of the bodies. What is happening
7 here is that in this area underneath those boxes are bodies,
8 and you can see the man with the mask, that's for the
9 protection of the smell. And what is happening here is that

10 these people are working with the Arch Bishop's office. It
11 was the Arch Bishop's office that really paid attention to who
12 was dying and was the first place to say we have to find these
13 people, we have to identify them, we have to know who they
14 are, and so all of these people are collecting bodies. They
15 are photographing them or writing down records. If you cannot
16 identify their face, for example, which is quite frequent,
17 either because you found the body too late or because the
18 torture had been so severe, what they would do is they would
19 write down descriptions of the belt somebody had, the -- if --
20 they very seldom had any jewelry, because most of the bodies
21 were robbed of anything that would be valuable. That was
22 common practice. But they did have clothing that might --
23 that you might be able to identify them. So they would take
24 very careful records of what was found, and in cases like this
25 where you actually couldn't transport the bodies for decent

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DIRECT - TERRY LYNN KARL

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1 burial, you can't really see it in this picture, but this is
2 really quite steep and there would have been no way to
3 actually bring these bodies up, there would have been no
4 trucks or anything that the Arch Bishop's office would have
5 been able to use.

6 MR. BROOKE: Your Honor, may we ask the witness
7 to identify the approximate date of the photograph?

8 THE COURT: Absolutely.

9 A. This is not my photograph, I should say, so this is

10 somewhere between 1980 and 1983, but I don't know where.
11 There are a number of photos like these, and this is a
12 representative of something I have seen, but I did not take
13 this photo.

14 BY MR. ESQUIVEL:

15 Q. Is this representative of a scene that you personally
16 witnessed while you were in El Salvador?

17 A. Absolutely. So that is actually why I chose this. It
18 is very much like things that I was present at or witnessed,
19 and they will eventually in this case make a fire, that is
20 what they're doing, and after taking all the identifications
21 they can, including photos, they will burn these bodies.

22 Q. Did you also have occasion to see how the
23 identification of bodies went, of people who were trying to
24 identify people who had been killed?

25 A. Yes.

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1 Q. And how did that work?

2 A. Well, the second process is -- there are people going
3 around the country or hearing reports. They're always from
4 the church, by the way. The church is really the place that
5 took the responsibility for this, and for what people called
6 decent burial, and so the church -- and by that I mean the
7 Catholic church. El Salvador at this point is about
8 85 percent Catholic, so it is really a Catholic country at the
9 time we're talking about. And so the first stage would be to
10 find the bodies, and this is one place, but there are just

11 many others, so there will be people going around San
12 Salvador, the capital city, every morning they would go around
13 and find the bodies from the night before. Every single
14 morning, they would go out. If you saw a body, you would call
15 the Arch Bishop's office and say there's a body on the corner
16 of -- wherever, you know, and these would come from all over
17 the country, these reports. And then they would be
18 centralized in the Arch Bishop's office. And what they would
19 do in the Arch Bishop's office is take the pictures of people
20 that could be identified, or they would take the descriptions
21 of the clothing or the belts or the whatever, the hair,
22 anything they could see, and they would centralize them in the
23 Arch Bishop's office, and they would be essentially form these
24 albums. There were just rows of albums that would have
25 identifying marks, pictures, et cetera.

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1 MR. ESQUIVEL: Your Honor, may I have
2 permission to approach the witness, please?

3 THE COURT: You may.

4 BY MR. ESQUIVEL:

5 Q. Professor Karl, I handed you a photograph of a woman
6 holding a picture. Could you please describe what this
7 picture depicted and approximately when it was taken?

8 A. This picture would have been taken again between '80
9 and '83. It depicts -- it is an auditorium actually, and it
10 is an auditorium in a place, Socorro Juridico, which means

11 judicial help for you, and it is part of the Arch Bishop's
12 apparatus for identifying bodies and informing their families
13 about what happened to their family members. When somebody
14 is --

15 MR. ESQUIVEL: Your Honor -- I'm sorry,
16 Professor Karl, to cut you off, but I would like the jury
17 to be able to look at it while you talk about it.

18 THE WITNESS: Okay.

19 MR. ESQUIVEL: At this point, the plaintiffs
20 move into evidence Exhibit 21.

21 THE COURT: So received.

22 (Exhibit Number 21 was marked. Description:
23 Photograph.)

24 BY MR. ESQUIVEL:

25 Q. So Professor Karl, could you continue? Is this the

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1 process that you were describing earlier of identifying
2 bodies?

3 A. Yes. So what would happen is if somebody has
4 disappeared or missing, the only place you could go and find
5 out what happened to your son or your father or your mother or
6 your sister or whoever is missing or your neighbor is to come
7 to this office or to come to the church. It was really the
8 only place that actually had the courage and the capacity to
9 help, and so what you see in this picture, there would be
10 auditoriums full of women. This is a larger auditorium, and
11 you would see pictures of people, and they would bring in the

12 picture of their relative. So there was -- the issue was
13 could you match who were they were missing with the collection
14 of bodies and information that I showed you earlier. So these
15 are women who -- this is clearly someone that they're looking
16 for. They're waiting for a chance to begin the identification
17 process.

18 MR. ESQUIVEL: Your Honor, may I have
19 permission to approach the witness, please?

20 THE COURT: You may.

21 BY MR. ESQUIVEL:

22 Q. Professor Karl, I have handed you another photograph.
23 Would you please describe what this photograph is?

24 A. Yes, this is a picture of what the -- of the albums
25 that I mentioned earlier. When I said that the Arch Bishop's

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1 office would put together these photo albums, they would put
2 together albums that had pictures of anybody who was
3 recognizable, so -- and who had been found dead. I should add
4 that one of the problems of identifying the dead is that
5 sometimes people were captured in a part of San Salvador and
6 they were moved to another part of the country or another part
7 of the city, or they might be captured in one town and moved
8 to another town. That meant that you couldn't always find
9 victims near where they actually lived. They were actually --
10 and especially if you were trying to hide what happened to
11 them, you might -- they might be killed in one place -- I mean

12 they might be captured in one place or actually killed or
13 dropped in another place, and that means that you might find a
14 body in the eastern part of El Salvador that actually
15 disappeared in the western part, and that's why this was so
16 important because you couldn't just look in your own little
17 town to find victims. These -- in this picture, you see the
18 photo albums that I was talking about.

19 MR. ESQUIVEL: Your Honor, at this point, the
20 plaintiffs move this photograph into evidence as
21 Exhibit 22.

22 THE COURT: So received.

23 (Exhibit Number 22 was marked. Description:
24 Photograph.)

25 BY MR. ESQUIVEL:

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1 Q. Professor Karl, would you please describe for the jury
2 the photo album and the process of identifying bodies?

3 A. Yeah. There are rooms with just rows of photo albums,
4 and what happens is families comes in and they look through
5 these books. I don't know how -- I see you can see pretty
6 clearly, these are all faces of people who are dead, and this
7 is the way you try to find whoever it is in your family who is
8 missing. So they will be looking for their mothers or their
9 fathers or their children in these books. When they identify
10 them, if they identify them, if they can find somebody, then
11 we would be able to at least say that there is an
12 identification here. This is very important in the

13 verification and collection of human rights data. In other
14 words, in a situation of state terror, which is what was
15 happening in El Salvador in 1980, the -- it becomes very
16 important to try to figure out, as I said, who has died, how
17 many people are dying, who is killing them, how are they
18 dying. These are all things that we need to know in order to
19 understand these wars and to collect this kind of data. So
20 this is -- this is the moment of identification. Once the
21 family member identifies somebody, we are then able to
22 actually verify them on a roll of names, and so a social
23 scientist like me would consider that a statistic or what we
24 call something we can enter into a data analysis to see
25 patterns.

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1 Q. Professor Karl, what information have you reviewed in
2 order to present the expert testimony that you will be
3 presenting in this case?
4 A. Well, what I feel is my most reliable data is what I
5 have actually gathered and seen myself. I think we all feel
6 that way about our own work. I spent a lot of time in El
7 Salvador verifying the verification process of death. I spent
8 a lot of time in El Salvador trying to understand what I
9 called and wrote about, which was what I call the symbolism of
10 death. People were killed in ways to send messages in El
11 Salvador. And so, for example, it was a very different
12 pattern than I had seen in other countries, in Chile and

13 Argentina, for example. It was different because it was so
14 public, and the nature of the terror which I was trying to
15 understand was that if you wanted to kill the peasant because
16 he supported land reform, you would find the peasant by the
17 road and his mouth would be stuffed with dirt, and that would
18 say this is about land. That would be what I mean by the
19 symbolism of death.

20 If you want -- and if you wanted to terrorize a
21 population, you would kill their teacher or priest, and you
22 would leave them in a very public place so they wouldn't be
23 hidden. In Argentina, you disappear people, and you would
24 never see them again. But in El Salvador, if you wanted to
25 spread terror, you took somebody that everybody respected, you

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1 killed them and put them out in a public place so everybody
2 would know. And so there were messages of death, and I
3 studied those patterns. I used that data. I used the data of
4 my interviews. I was extraordinarily -- I hesitate to use
5 lucky, because I've always wished I had never seen these
6 things, but I was lucky in the sense that the way I got
7 interested in El Salvador was I was living in Caracas,
8 Venezuela, and I met Salvadorans who were in exile at the time
9 from the military regime. This was in the 1970s before the
10 periods that we're talking about in this trial, and I met Jose
11 Napoleon Duarte who eventually became the president of El
12 Salvador. He is the one who originally interested me and
13 introduced me to a range of people who I could interview. I

14 then was able to interview military as well, and that became
15 very important to me. In fact, I was able to talk with just
16 about everybody. I traveled in the 1983-'84 electoral
17 campaign with Roberto D'Abuissou, who was the leader of the
18 extremist right and who was widely known as what is called the
19 intellectual author of the murder of Arch Bishop Romero. When
20 Salvadorans say that phrase, by the way, all Latin Americans,
21 you hear the phrase intellectual author, we don't actually use
22 that language, but it is *autor intelectual*, and what they
23 mean is the person who thought it up and made it happen, not
24 the person who actually shot the Arch Bishop. So when they
25 say that, that was widely attributed at the time to Roberto

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1 D'Abuissou, and I traveled with him during his campaign to see
2 how he campaigned. I traveled with Duarte as well. I went
3 into the guerilla zones and interviewed people in the guerilla
4 zones. I went out on military mission and interviewed
5 soldiers of the Salvadoran army, so I was really -- that
6 information in particular was very important to me.

7 Q. In addition to your interviews, did you also review
8 documents in El Salvador?

9 A. Yes. I think I read -- I may be the only person who
10 has ever read the entire newspaper sets of every newspaper
11 from start to finish looking for things. I mean I read *El*
12 *Diario*, I read *Prinsa Grafica*, I read *Prinsa Latina*. I have
13 also reviewed those on microfilm for this trial. I read -- I

14 read --

15 Q. And what are those publications you just mentioned?

16 A. Those are the main newspapers in El Salvador during the
17 period of time that we're talking about. They are all
18 conservative newspapers at that time, quite conservative. The
19 only opposition, main opposition newspaper was actually the
20 office was destroyed and the editor of macheted to death, so
21 there was no opposition newspaper at the time. I reviewed the
22 state department transcripts of Radio Venceremos, which was
23 the radio of the guerillas, and the state department would
24 monitor those and put out transcripts, so I read those as
25 well. I read what is called the Estudios Centramericanos,

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1 which was extremely reputable for all of the academics journal
2 that was put out by the Jesuits who were subsequently
3 murdered. I read their work -- they had another journal
4 called Proceso. I read the laws, I read the decrees, I went
5 to press conferences of the military and the other press
6 conferences that would be held. I interviewed virtually every
7 major embassy official over a period of three ambassadors, I
8 believe -- four ambassadors, and that includes the military
9 attaches, the military advisors, the chief -- deputy chief of
10 mission, the ambassadors themselves. I interviewed and I read
11 all of the -- I think one of the most important sources are
12 what we call the declassified documents, which you have
13 seen -- Ambassador White showed you some declassified
14 documents.

15 Q. Professor Karl, are you referring to U. S. government
16 documents now?

17 A. Right.

18 Q. Okay. And what is important about those documents?

19 A. What is very important about those documents is our
20 ability to really see and understand the intelligence inside
21 the United States that was going on at the time. And I think
22 that what is -- when the Truth Commission happened, which is a
23 commission that was set up after the peace agreements to
24 really investigate who did what to who in this story, when
25 that was set up, the United States offered to declassify a

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1 wide range of documents so that the Truth Commission could
2 have access to what we in the United States knew and
3 understood. So those documents became available in the public
4 realm in a way that they don't always -- you usually have to
5 wait about 50 years to see these things, so that's why we have
6 access, it was made available to the United Nations. Those
7 documents are extremely important because they come, they're
8 important for several reasons for someone like me. They show
9 me what the United States understood to be -- what was their
10 understanding at the time. They show me also different forms
11 of declassification. For example, it makes a difference if
12 you get something that is, I sat at a cocktail party and this
13 colonel told me that that colonel was the murderer of Arch
14 Bishop Romero, that would be one kind. That's one kind of

15 declassified document, and it will say so and so murdered Arch
16 Bishop Romero. That to me as a social scientist isn't
17 reliable enough. In other words, that's not by itself a
18 reliable enough statement. So what I look for in the
19 declassifieds is information that I can corroborate from other
20 sources. In other words, it is very important for me that
21 when the declassifieds say something that I know there's other
22 corroborating evidence. I think we all know that intelligence
23 is a tricky business now, and that -- so I look for
24 corroborating evidence in the declassifieds. The other thing
25 I look for, however, is different levels of intelligence. For

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1 example, there's something called finished intelligence. I
2 will be showing you something like that. Finished
3 intelligence means they're absolutely certain about this. It
4 is a different level than this colonel told me that that
5 colonel killed Arch Bishop Romero, or, you know, it is a
6 different level of intelligence. It means that they have lots
7 of corroboration, and it is a higher level of intelligence, so
8 I look for a difference in the documents between what is
9 reliable and I can corroborate and what I think is a story
10 that may or may not be true.

11 Q. Is there anything else that a political scientist does,
12 Professor Karl, to insure the accuracy of her opinions or
13 conclusions?

14 A. Yes. And I say particularly in these stories. For
15 those of us who work in civil wars and state terrorist

16 situations, you can't help but have feelings about what you
17 see. You're not -- you can try to be as removed as possible,
18 but if you see a body, you see a body, and so it becomes
19 particularly important under those conditions that we use all
20 of the tools of our trade to make sure we are being as fair
21 and as accurate as possible, and we develop something called
22 rival arguments. What this means is this is something I use
23 all the time, this is something I teach in methods of social
24 science, I teach all my students how to do this. That means
25 that -- let's say there's a killing and somebody says the

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1 woman at the end did it, right -- excuse me, and I would say
2 maybe you didn't do it, maybe one of the rest of you did it.
3 So I have to have a rival argument, and it is more like -- and
4 then what I did is I say, okay, some people are saying you did
5 it, but I'm going to say I really don't know who did it and it
6 could be you. And so what I then have to do is go look for
7 evidence for both arguments. In other words, I can't just
8 choose the evidence that says that she did it. I have to look
9 for all the evidence and say you might have done it. And
10 that's what we call rival arguments, and then we take evidence
11 and we plug it in until we have a story that we're confident
12 of.

13 Q. Professor Karl, have you applied that rival arguments
14 methodology to the conclusions you have reached in this case?

15 A. Yes, I have, and I have applied it to the conclusions

16 of everything I have written, and sometimes not very happily
17 to the sides that I'm writing about.

18 MR. ESQUIVEL: Your Honor, at this point the
19 plaintiffs offer Professor Karl as an expert witness in
20 the political history of El Salvador, including the role
21 of the military within the Salvadoran government.

22 THE COURT: Any voir dire?

23 MR. FARGARSON: Subject to the previous
24 objections that we have made.

25 THE COURT: All right. Well, we will accept

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1 the professor and let her testify about the political
2 history of El Salvador, including the role of the military
3 groups working in conjunction with the military to carry
4 out the civil rights abuses.

5 MR. ESQUIVEL: Thank you, Your Honor.

6 THE COURT: And the role of the defendant, as I
7 understand, you are going to allow her to testify also.

8 MR. ESQUIVEL: That's correct, Your Honor.

9 BY MR. ESQUIVEL:

10 Q. Professor Karl, let's start by summarizing the
11 conclusions you have reached in this case. Have you reached a
12 conclusion about the level of violence that took place in El
13 Salvador in the early 1980s?

14 A. Yes, I have.

15 Q. What is that conclusion?

16 A. El Salvador in the 1980s, and particularly in the

17 period from 1980 to 1983 was characterized by a widespread
18 systematic and deliberate assault on the civilian population.

19 Q. And, Professor Karl, have you reached any
20 conclusions --

21 A. Excuse me.

22 Q. Yes.

23 A. That's what we call state terror, and by state terror,
24 I mean that it is the institutions of the state, it is the
25 military or the security forces that are committing the

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1 terror, not all of the terror, but a great part of the terror.

2 Q. And, Professor Karl, based on your research and your
3 study and your personal knowledge, have you reached any
4 conclusions about Colonel Carranza's control over members of
5 the Salvadoran military?

6 A. Yes, I have.

7 Q. What are those conclusions?

8 A. As vice-minister of defense which was his first
9 position in 1980 -- 1979 through 1980, and then later as
10 director of the treasury police, Colonel Carranza had
11 effective control over his subordinates in the Salvadoran
12 military, and I should say when I say Salvadoran military, I
13 always say military and security forces, I will make that
14 clear later.

15 Q. What do you mean by effective control?

16 A. I mean that he could give orders, his orders were

17 obeyed. There are no major instances of people disobeying
18 orders, that this was not a chaotic situation, but, in fact, a
19 very well ordered military with a clear chain of command and
20 one that had consistently at every level obeyed that command.

21 Q. Now, Professor Karl, have you also reached a conclusion
22 about what Colonel Carranza knew or should have known about
23 human rights abuses by the military forces in El Salvador?

24 A. Yes, I have.

25 Q. What is your conclusion on that subject?

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1 A. My conclusion is that Colonel Carranza should have
2 known about the abuses committed by his subordinates. Indeed,
3 to me, it is inconceivable that he did not know about those
4 abuses.

5 Q. And Professor Karl, have you reached a conclusion about
6 the steps that Colonel Carranza could have or should have
7 taken in light of this knowledge?

8 A. Yes, I have.

9 Q. And what are your conclusions on that point?

10 A. I believe that he failed in the duty of a commander,
11 which is to take reasonable and necessary steps to prevent
12 human rights abuses or to take reasonable and necessary steps
13 to punish abusers once you know they have happened.

14 Q. And, Professor Karl, finally, as a result of these
15 failures, what conclusion have you reached about the effect of
16 these failures in the Salvadoran military?

17 A. I think that as a result of failing to do these things,

18 Colonel Carranza actually sent a signal, which I call a green
19 light to continue the terror.

20 Q. And what do you mean by that phrase, a green light?

21 A. By not acting in a situation in a year in which
22 somewhere between 9 and 12,000 people were publicly murdered.
23 It actually gave a signal that it was okay to do this, that's
24 what I mean by a green light.

25 Q. Now, Professor Karl, describe for the jury, please, the

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1 political situation that existed in El Salvador in the decades
2 before 1980.

3 A. In the decades before 1980?

4 Q. Yes.

5 A. El Salvador is a -- has been -- not now today, but has
6 been in the period of time we're talking about the longest
7 standing continuous military dictatorship in Latin America,
8 actually provided a graphic that might help with this.

9 Q. Have you prepared a graphic to demonstrate your
10 testimony?

11 A. I have, thank you.

12 Q. Okay. Is that the graphic that you prepared?

13 A. That's right.

14 Q. All right. Go ahead, Professor Karl.

15 A. What is important, I won't take you through every one
16 of these presidents, but what is important in this is that you
17 can see really from 1932 all the way through this slide, there

18 is really a continuous form of military rule. You will
19 occasionally see something if you look at 1948-50, it says
20 military civilian junta. That means there are some civilians
21 that join the government, but it is basically what we would
22 consider a functioning military dictatorship.

23 Q. What does that term junta mean?

24 A. A junta is a group, that's all it means. You will hear
25 it sometimes referred as junta, some people pronounce it that

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1 way junta. In Latin America, it is junta. It really just
2 means a group of people, and it may mean that there are two
3 military men and three civilians or three or more civilians,
4 but when we have a military civilian junta, it is always the
5 military that has the power and the final say.

6 Q. Why does this graphic, why does this military empower
7 begin in 1982?

8 A. In 1932, there is a very large massacre in El Salvador
9 which is referred as la matanz, which means the massacre. We
10 don't actually know how many people were murdered in this
11 massacre, but it is somewhere between 10 and 30,000, we
12 believe, so there is -- it is unclear how many people actually
13 died. There was an uprising in El Salvador against what was
14 then a government that was pretty much run by what you have
15 heard as called the 14 families. That uprising resulted in a
16 massacre. And from that time on, El Salvador has -- the
17 military moved in and consistently gained more and more power
18 in the process and ruled since then. The other thing I would

19 I like to point out is that if you look at 1932, you see General
20 Maximiliano Hernandez, his name is important because he is the
21 man who committed the massacre or who ordered the massacre and
22 was in charge at the time. His name is also important because
23 it is the name that the death squad used that killed the
24 husband of Erlinda Franco. In other words, the death squad
25 that killed the six FDR leaders called itself the General

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1 Maximiliano Hernandez death squad, so they are referring to
2 this period of Salvadoran history, which is a huge massacre
3 and which is really embedded in the consciousness of
4 everybody in the story from the right to the left. It is a
5 moment on the side of the extreme right of glory because they
6 manage to install themselves in power. It is also a message
7 to the peasants that this is what is going to happen to you if
8 you rebel. And I should say in the area where the massacre
9 was, it was still the area that had least opposition all the
10 way along. In other words, if you commit a huge massacre like
11 that, you're going to keep a population quiet for a long time,
12 and so in that area, the population was particularly
13 frightened, I would say.

14 Q. Professor Karl, what was the function of the Salvadoran
15 military in this political system?

16 A. Well, the Salvadoran military, I think it is important
17 to understand that it is not like our military, either an
18 organization or in the functions it played. It is a military,

19 but remember also it is the government. So it has just like
20 you see in any government, it has people who disagree on how
21 to govern. I mean it is just -- so you will find just like
22 you find factions in the Republican government today of the
23 United States, they're all republicans, they will all
24 basically follow the president and the party line, but there
25 are going to be some who want to do things one way and some

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1 who want to do things another. In that sense, it is a
2 government and not just a military. I think that's the first
3 point. And as you can see, it is a government for 50 years,
4 so it has a lot of practice in being a government.

5 I think the second thing that is important about the
6 military is that you move between forces. In other words,
7 if -- if you're in the U. S. military, you're going to be in
8 the Navy or the army, and that's where you're going to be,
9 you're not going to start out in the Navy and then move over
10 to the army, that just doesn't happen. You usually work right
11 through one particular service. In El Salvador, that's not
12 the way it is. In El Salvador, you graduate with your class,
13 and so if everybody over there is a graduating class, some of
14 them are going to go into the army, some of them are going to
15 go into the Navy, some of them are going to go into the Air
16 Force, some of them are going to go into the treasury police,
17 some of them are going to go into the national police and some
18 of them are going to go in the national guard, and then if all
19 of a sudden I'm the commander and I say, you know, you're in

20 the national guard, but I want you in the treasury police,
21 you're just going to move over to that service. So your
22 loyalty is not to a service, it is to your graduating class.
23 That's the key point.
24 Q. What effect did that have, Professor Karl, on the
25 Salvadoran military, that structure you're describing?

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1 A. I think it has two very important effects. It means
2 that you have tremendous loyalty to your graduating class and
3 you all move through the structure together. So you know that
4 if you want to -- if I'm the commander and we're all in the
5 same graduating class, I could ask you to do something in the
6 national guard and I could ask you to do something in the
7 treasury police and I won't just control one service, I'll
8 have people in all services, because that's the way it works.
9 I mean that's the first thing it did. The second thing it did
10 is this ability to move between services, it means that you
11 can move your people around, if I put it that way, and you can
12 set up strong lengths of your graduating class to support you,
13 the ruler. But the other thing you can do I think that is
14 important in this fluidity and that was really devastating in
15 the Salvadoran case is let's say you have one group that is
16 committing major human rights abuses like the treasury police,
17 if you take the director of the treasury police out or the
18 chief of security of the treasury police out and you later put
19 them in a military brigade, they're going to carry and spread

20 those same practices. So what is important in El Salvador is
21 the chief abusers of human rights in 1980 were the security
22 forces. By that, I mean the national police, the treasury
23 police and the national guard. Those were the chief abusers
24 of the human rights. But when they -- when you move those
25 abusers of human rights to other areas, they will carry those

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1 same practices with them, and so the practices of abuse starts
2 spreading, particularly throughout the army.

3 Q. How large of a military structure is the Salvadoran
4 military, or was it during this time?

5 A. Well, the Salvadoran military increases in size
6 enormously during the period of the war. So it grows in huge
7 numbers. What is more important than the size of the troops,
8 which quadruple actually during this time, and I actually
9 cannot remember the final number of troops, but -- it grows
10 very, very fast. But what is really key is how it is
11 commanded, and that is very small.

12 Q. Professor Karl, have you created a graphic to
13 demonstrate the size of the officer corps of the Salvadoran
14 military?

15 A. I have.

16 Q. Is this the graphic that you have created?

17 A. Yes, I have. So if you have thousands of soldiers,
18 very young soldiers, by the way, in the fields, the question
19 is who commands them. And what is important here is not only
20 is the Salvadoran officer corps the government and not only

21 does it run the most important institution in the country,
22 which is the military, the most powerful institution, but the
23 number of officers is very small, and if you look at -- I have
24 made a distinction between all officers and field grade
25 officers. Field grade officers are officers that have a

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1 higher level of prestige because they have experience in the
2 field, they're actually command troops. So if you look at the
3 number of field grade officers, the combined number of the
4 army, the Navy and the Air Force is 73. The combined number
5 of field grade officers in the security forces, by that I mean
6 the national guard, the national police and the treasury
7 police is only 33 people. So if you -- if you find that the
8 security forces are the major abusers of human rights in 1980,
9 you are really talking about only 33 officers that you need to
10 deal with.

11 Q. Now, what is the significance of that to your
12 conclusions in this case, Professor Karl?

13 A. Well, what it does is it confirms a finding that we
14 have in all kinds of other stories or situations of state
15 terror in the sense El Salvador is very much like other
16 situations of state terror that I have studied, and that is
17 state terror almost always, and I cannot actually think of an
18 exception, but there always is one, almost always begins with
19 a few people. It is not a lot of people, it is not true that
20 suddenly all chaos breaks out and this ethnic group kills that

21 ethnic group or this class of people kills that class of
22 people, that's not the way state terror happens. We have
23 studied lots and lots and lots of situations of state terror
24 from Saddam Hussein to the Guatemalan situation; and in those
25 cases what we see is it is always a very small number of

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1 people that you need to stop -- to stop the terror from
2 proceeding and from taking on its own life. In this case, in
3 1979, October to 1980, the number is very, very small, and it
4 relies in the security forces. It also means that it is
5 relatively easy to get all those people in one room and say,
6 you know, this has to stop, I order you to stop this, because
7 we're not talking about huge numbers of people.

8 Q. Professor Karl, the numbers -- you have very specific
9 numbers in these graphics, tell the jury what type period the
10 Salvadoran army contained these numbers of officers.

11 A. Okay. These statistics are probably a little bigger
12 than the numbers that were actually in effect when Colonel
13 Carranza was the number two man in the Salvadoran military.
14 That's because these numbers are from November of 1981 and the
15 army was already growing by then. So they might be a little
16 larger, it may be that there were only 30 officers, but they
17 gives you an idea of how many we're talking about. These
18 numbers and statistics were gathered by the U. S. military.

19 Q. Professor Karl, what was the result of this military
20 rule in El Salvador?

21 A. Well, if you have -- and El Salvador, again, is just

22 Like other Latin American countries in this sense, if you have
23 50 years of military dictatorship, you usually find that you
24 have some pretty awful economic results, economic and social
25 results. And by that, I mean you end up creating very

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1 dramatically two countries, the Salvador of the military
2 officers of the rich and the Salvador of everybody else, two
3 El Salvadors. When I say everybody else, peasants who
4 Ambassador White told you are so deeply conservative as they
5 are in El Salvador. Peasants had, in El Salvador when this
6 war broke out, had the lowest intake of calories in the
7 Western Hemisphere, they didn't have enough eat. They didn't
8 have an education, they didn't have access to education, they
9 were too poor to send their children to school. They didn't
10 have clothes. Many of them didn't have houses. They were
11 suffering from widespread disease. A fifth of -- children
12 that were studied in 1978, 20 percent in a very small study
13 key in urban areas were suffering from malnutrition. The
14 rural areas would have been much worse. They were hungry,
15 they had to operate -- they had to work seasonal work on
16 coffee plantations, cotton plantations or cattle where cattle
17 were raised, and that work was a system that we called labor
18 repressive. By that, we mean that the military doesn't act as
19 a normal military, but its function is to provide -- is to
20 insure labor to the plantations themselves. So the national
21 guard barracks might actually be on the largest coffee

22 plantations, and you actually have something that is somewhat
23 akin to a pass book system where you actually control labor,
24 you make sure they come in, they have to work a certain
25 number. You -- it actually works a little bit like a company

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1 town as well where people have to buy products from the
2 landlords so they're always in debt to the landlord, et
3 cetera, it is just a perpetual system, it is very close to
4 actual serfdom or to a form of -- we call it labor repression
5 or a form of almost slave labor, it is so, so -- it was so
6 controlled and people were so desperately poor.

7 Q. Did these positions lead to any opposition to the
8 military government?

9 A. Yes, it did.

10 Q. Could you describe, please, the growth of that
11 opposition?

12 A. I want to say one thing first because you can find
13 countries where people are this poor and you don't see an
14 opposition.

15 Q. And why is that?

16 A. That's because people may be this poor, but they may
17 have channels to express their opposition. In other words, in
18 India, for example, there are people who are certainly as poor
19 as what I saw in El Salvador, but they are allowed to
20 organize, they are allowed to form unions, they are allowed to
21 form parties, they are allowed to participate in an electoral
22 process. So you usually find opposition not only where the

23 social conditions exist, but where any attempt to change them
24 is absolutely blocked. That is when you get really strong
25 opposition.

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1 Q. And was -- did that occur in El Salvador?

2 A. Yes, it did. El Salvador eventually had the largest,
3 what we call popular movement. I think here in -- the Latin
4 Americans call them mass movements, and that was the language
5 that I think some of the plaintiffs used, but they had the
6 largest popular movement in the history of El Salvador against
7 military rule. And it was a movement that was fighting for
8 the end of military dictatorship, that was fighting for civil
9 rights, that was fighting for the right to organize, the right
10 to have a union, the right to form political parties, all the
11 things that a military dictatorship wouldn't let them have.

12 MR. ESQUIVEL: Your Honor, if I may, I would
13 like to ask Professor Karl to step down and illustrate on
14 the chalkboard the growth of the opposition that she has
15 described. May Professor Karl do that?

16 THE COURT: Certainly. We have to get a
17 microphone on you, so they're going to put one on you, and
18 they will have one for you in just a moment.

19 MR. BROOKE: May I?

20 THE COURT: Sure, absolutely. If you need to
21 come up closer to this podium, fine. It might be easier
22 to see if counsel for the defense would prefer to be over

23 here.

24 BY MR. ESQUIVEL:

25 Q. Now, Professor Karl, if you would, please --

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1 THE COURT: I tell you what, we just got a
2 request for a restroom break. We will do that. We always
3 want to respect that. We will take a 10-minute break. We
4 will come back in 10 minutes. Don't discuss the case
5 among yourselves. Don't let anybody talk with you.

6 THE CLERK: All rise. This Honorable Court
7 stands in recess.

8 (Recess taken at 9:55 a.m. until 10:20 a.m.)

9 THE COURT: Bring the panel in.

10 COURT SECURITY OFFICER: Yes, Your Honor.

11 (Jury in at 10:20 a.m.)

12 THE COURT: You may be seated. Counsel may
13 proceed.

14 BY MR. ESQUIVEL:

15 Q. Professor Karl, before the break, we were talking about
16 opposition to the military government, were there opposition
17 political parties in El Salvador?

18 A. Yes, there were. Is this working?

19 Q. Yes.

20 A. Okay. Thank you. I would like to -- this is a
21 complicated history, and I'm going to apologize in advance to
22 all the Salvadorans because I'm going to make it as quick as
23 possible, but I would like to make a little time line here to

24 show you what is happening when. Can you hear me now? Since
25 the interpreters couldn't hear me, I'm going to just repeat

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1 that this is a complicated history, and I'm apologizing to all
2 the Salvadorans in the world for making it -- for simplifying
3 it and saying it so quickly. Question is were there political
4 parties. Okay. I've put some dates on here, 1960, 1972,
5 1977, 1979, 1980, and the question is are there political
6 parties. Important thing in the process of a military
7 dictatorship is the first group that really said -- first
8 important political group that said we want a democracy were
9 the political parties, and they rise about here, 1960. We see
10 political parties. They rise about here. And I'm just going
11 to write parties. And without going through all of them,
12 there's one that you have heard about, which is the Christian
13 democratic party, and that's often referred to, I'll just say
14 Christian democrats right there, that's the one that has the
15 symbol of the fish that Ana Chavez spoke about. She said her
16 mother belonged to the party of the fish. That is the
17 Christian democratic party.

18 Q. Now, Professor Karl, has that also been referred to as
19 the PDC?

20 A. It's always been referred to -- I put it in English,
21 but let's use the Spanish. It has also been referred to as
22 the PDC, and that party also -- let me just put a name there
23 so you will know, their leader is Jose Napoleon Duarte,

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24 D-U-A-R-T-E. And Duarte is the man I told you I met in
25 Venezuela who got me interested in El Salvador. He -- the

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1 Christian democrats are eventually the largest and most
2 important party in El Salvador. They are a very, very
3 religious party, they're very closely linked to the church,
4 the Catholic church. They are very strongly anti-communist
5 and anti-Marxist-Leninist because they are very a strong
6 religious party with very strong religious beliefs. And as I
7 said, this is also the fish. So they come up, formed in 1969,
8 and you see, they're not the only party, but they're the only
9 party I'm going to mention right now. There are all kinds of
10 other parties coming here.

11 Q. Now, were there unions that formed during that time?

12 A. Right. The next question is, really, you're getting
13 opposition starting, so a party is formed and the really
14 important unions start to form in the end of the '60s, in the
15 middle of the '60s, and you see unions here, and the one that
16 you probably have heard the most about is ANDES 21 de Juno,
17 ANDES the 21st of June. And that's the teacher's union. This
18 becomes one of the most important unions in the country. It
19 comprises eventually 22,000 teachers, which includes
20 90 percent of all primary and secondary teachers, so it's
21 really the teacher's union. And it also includes other
22 educators from the ministry of education. It includes the
23 professors at the two leading universities. One is the public
24 university, the National University of El Salvador, and the

25 other is the Jesuit University, which is called the UCA. You

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1 head about that before, UCA. So they are a member of the
2 teachers unions. That's about here. Now, as these arise,
3 they get more and more powerful, and it is the analysis of
4 virtually all scholars and also the intelligence documents
5 that in 1972, right here, there is an electoral fraud.

6 Q. What do you mean electoral fraud, what happened in
7 1972?

8 A. Somebody steals the elections, and it is the analysis
9 of really virtually all political scientists that Jose
10 Napoleon Duarte and the coalition that he represented was a
11 coalition of Christian democrats and social democrats. These
12 are two parties that have their roots in Europe, but
13 eventually joined together for the 1972 elections, it would
14 have been the first electoral victory of an opposition in El
15 Salvador. He would have been president, but instead there's
16 an electoral fraud. Literally everything shoots down, the
17 counting stops, et cetera. The military party wins as it has
18 always done. Military party is called -- I'm going to do this
19 in red, the PCN, that's the party of the military. Duarte is
20 kicked out of the country, goes into exile in Venezuela where
21 I meet him. So this stops, the ability of parties and unions
22 to join together for an electoral victory is blocked.

23 Q. Now, Professor Karl, what is a popular movement?

24 A. Well, once you get the sense that maybe parties are not

25 going to be able to win elections, you get what the

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1 Salvadorans called mass movements or popular movements, and by
2 that, I mean that there's a whole series of organizations, and
3 you heard lots of acronyms, I'm not going to explain them all.
4 But you have heard peasants unions, you have heard -- I think
5 FECAS, I think you heard UTC, you heard a lot of them, I'm not
6 going to go through them all. But basically what is important
7 you heard Bloque Popular, Revolutionary BPR. And I should say
8 that everybody is using the word revolutionary. So eventually
9 the military says it had a revolution. The mass movement says
10 they had a revolution. Everybody is saying they had a
11 revolution. It doesn't mean the same as the way we think
12 about it. You will hear both the right and the left talking
13 about a revolution and they mean different things. So you
14 have a mass movement or a popular movement growing here. I
15 won't take you through every single step, but what is
16 important is this becomes the FDR.

17 Q. When does that happen, more or less?

18 A. That happens in April of 1980, and what is key on this
19 line is that this is the largest popular movement in the
20 history of El Salvador. It is a movement for civil rights,
21 for political rights, for the end of military rule and for a
22 land reform, so that land would be distributed more equitably
23 in El Salvador, and this movement with all of its changes
24 becomes the FDR, and the six leaders of the FDR that you heard
25 about who were murdered, including Erlinda Franco's husband,

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1 are murdered in November, 1980. Okay. So these are the
2 people -- it is the leadership of this movement that is killed
3 in 1980.

4 Q. Professor Karl, is there also an armed opposition to
5 the government during any of this time period?

6 A. Yes, there is. And the armed opposition is -- starts
7 right around here, and I'm going to just draw a line because
8 it eventually becomes here -- here, the army of the F --
9 sorry, it eventually becomes in November of 1980, same time,
10 the FMLN, okay. This is what everybody is referring to as the
11 guerillas. Now, there are five groups that make up this, so
12 I'm not going to -- unless asked, I'm not going to go into all
13 of that, but the important thing is there are five guerilla
14 groups, they are very small here --

15 Q. When you say very small, give the jury an idea of how
16 many numbers of people are involve.

17 A. The CIA estimates say that about this time, 1979, we
18 are talking about 300 people. Ambassador White said when he
19 got there, which would be about here, it was 500. Now, what
20 is important about these guerilla groups is they grow. All of
21 this is growing. So the party support is growing, the union
22 support is growing, the FDR support is growing and the armed
23 opposition is growing, but it is still very small in this
24 period.

25 Q. Now, Professor Karl, you said that in November of 1980

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1 the FMLN formed, why did it form at that time?

2 A. It forms as an army here. This is a guerilla -- these
3 are small armed groups which spend all of their time fighting
4 each other. They basically have arguments about what the
5 correct strategy is to defeat the military and have all
6 different arguments about who should do what, they are very
7 nasty about these arguments because they kill each other in
8 the process. They're also in this period of time trying to
9 raise money to support themselves, so there are kidnappings
10 around here, you know, they're having all kinds of internal
11 struggles, they're not growing as a result of that, and
12 they're doing some pretty nasty things. What unites them
13 really in April -- I mean in November is the fact that there
14 is, which I will show you later, so many deaths and murders
15 happening here along with so much pressure on them to become a
16 better armed opposition. What unites them as well is that the
17 possibilities for any peaceful change are getting closed,
18 which I will show you in a minute, but also very important is
19 that they have a meeting in Cuba, and Fidel Castro basically
20 helps them unite. So these small guerilla groups organize and
21 unite in the FMLN.

22 Q. Now, are these guerilla groups communists? Would you
23 consider them to be communist during this period?

24 A. Well, let me show you, the communist party, which is
25 actually the oldest party in El Salvador is here. Let me call

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1 it -- it is PC for partido comunista. It is actually formed
2 way back here in 1932 period that I talked about. It is an
3 extremely conservative party, the communist party. It is four
4 elections, so it is actually participating with kind of a
5 front group in elections all the way through this period. It
6 is not part of the armed opposition until the very end. In
7 fact, it keeps saying peaceful change, peaceful change,
8 peaceful change, it doesn't really join up until about here.
9 So when you say communist, it is a little tricky because the
10 communist party is actually quite conservative. Some of these
11 groups -- and they are all different -- some of these armed
12 groups form from the Christian democrats, and they actually
13 are not Marxist-Leninist, because they are very religious, but
14 they believe that the possibility for peaceful change is
15 closed, that there is no chance. Some form from split-offs
16 from the communist party, some form from split-offs of other
17 guerilla organizations, but basically these are -- some of
18 these are Marxist-Leninist and some are not.

19 Q. And what are the sectors of society that are forming
20 the armed opposition groups?

21 A. Where do they come from?

22 Q. Yes, where do they come from.

23 A. Well, the first -- the armed groups really come from
24 students at some point. It is actually the story in a lot of
25 places where students get more frustrated. They don't have

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1 much mass support here or any kind of base. This is not
2 something that your normal peasant would see somebody going by
3 with a gun and say let's fight the military, they would just
4 look at them and go are you nuts. That's what you would see
5 here, these are really middle class groups, pretty much.

6 Q. Professor Karl, what was the reaction of the military
7 to these developments.

8 A. Well, I think the importance is there's a series of
9 reactions, and they are important to understand because they
10 show you why this grows and why that grows. The first is
11 electoral fraud, it is to say, no, you might win the
12 elections, but we're not going to let you take power, and so
13 you can't have elections. There is also fraud in 1977, by the
14 way, which is when there is another election, so there is a
15 fraud here. Every time there is a fraud, people who believe
16 there's no hope for peaceful change move down into the armed
17 activities, right? Every time there's a fraud, this grows
18 too, challenge the military in peaceful ways, so this is all
19 just growing and growing and growing.

20 I think I need to show you one other thing in terms of
21 the reactions of the military. This is also important, this
22 is all getting us to the period that we're talking about in
23 this trial, which is really October, '79 and all of this
24 period, that's the period we're talking about in the trial.
25 The other thing that's important to understand is that as this

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1 is growing, the military realizes it has a huge problem on its
2 hands, that this is a huge civil rights movement, that they're
3 going to go for democracy, the democracy is being called for
4 all over Latin America, and they got a real problem, and so in
5 this period of time, in the '60s, mid to late '60s they set up
6 a spy apparatus, the military does.

7 Q. What do you mean spy apparatus, what is that?

8 A. They set up a very sophisticated organization that is
9 composed of two parts, intelligence and operations, that will
10 let them know what is going on in the unions, the parties, the
11 popular movements and the guerillas. They're going to spy on
12 everybody and find out who is doing what. When I say a spy
13 apparatus, they do two things. They set up an intelligence
14 apparatus. I'm going to put the acronym here in case anybody
15 ever mentions it, and that is called Ansesal. That's the name
16 of intelligence, Ansesal. The operations or the type of
17 paramilitary or civil defense linked to the military --

18 THE COURT: I'm going to take just one break
19 and speak to counsel briefly at side bar, and then we're
20 ready to proceed. Let me have Ike come up for just a
21 second.

22 (The following proceedings had at side-bar
23 bench.)

24 THE COURT: I'm only concerned about preserving
25 the record, and since she is up and walking and drawing

1 things, it is kind of complicated. Now, I'm not going to
2 do this unless everybody agrees, but they can actually put
3 a camera right there that will feed to your monitors, and
4 we're not going to -- it is just so that if you need to
5 look at something, you will be able to have a record of
6 it. Now, we won't do that -- we can't broadcast it, it is
7 not a broadcast thing, it is not for that purpose at all.
8 It is a little hard to follow if you're not watching her.
9 Does it make any sense at all? But it is up to the
10 defense. I don't want to do this unless --

11 MR. FARGARSON: Well, I wanted to say something
12 anyway. I mean she is --

13 THE COURT: It is a lecture format and that
14 what's confusing to me.

15 MR. FARGARSON: In other words, she is getting
16 in front of the jury doing all these things, rather than
17 being a witness like she was on a witness stand. She is
18 almost getting in the jury's lap.

19 THE COURT: Well, she has been very respectful,
20 I don't think there's a problem in that regard. My only
21 concern was that now that we have the ability to preserve
22 it, and also we're creating sort of a cabal, a whole bunch
23 of lawyers over on this side, which makes me a little
24 uncomfortable because I like to have you at the table. It
25 is okay, it is not a problem, we can just proceed the way

1 you are, but it is a little -- it's just a little hard to
2 imagine how somebody is going to deal with all of this,
3 because she is pointing to things on the chart, on a
4 drawing. If she wasn't pointing to things on a drawing, I
5 wouldn't care.

6 MR. ESQUIVEL: Well, she is almost done with
7 this, Your Honor, and maybe we could take that -- capture
8 a shot of the final product.

9 THE COURT: We need to shoot that, otherwise
10 you don't have -- it is a little bit of a disadvantage for
11 the defense. We need to at least get a picture of it.
12 Can we at least do that? We will get a digital photo of
13 that and put that on the screen if you want to. We can do
14 that. That is pretty easy.

15 MR. BROOKE: We object to it being an actual
16 exhibit in the record.

17 THE COURT: Oh, I understand, but the jury is
18 looking at it, do you want to preserve it?

19 MR. BROOKE: We may end up using it in cross.

20 THE COURT: That is exactly what I'm talking
21 about.

22 MR. ESQUIVEL: Then we would want to preserve
23 it.

24 THE COURT: When you start erasing things, it
25 gets complicated. I have expressed -- we're here to

1 preserve the record in the way that it is best to do it.
2 Ike is here, he knows how to do it. Let's at least agree
3 that -- we have got a digital camera where we can do this
4 one or not.

5 MR. MUSSLEMAN: Let's just use the video
6 camera, and we will take a short -- whenever you say
7 start, I will start it and then we will stop it.

8 THE COURT: So we can see her.

9 MR. MUSSLEMAN: We can freeze the picture.

10 THE COURT: And then if you want a shot of a
11 different one, we will do that. We're just trying to take
12 photographs, it will be the easiest way for us to do that; is
13 that okay?

14 MS. BLUM: My only concern is whether we're
15 actually going to be able to see what is on there and
16 whether we might want to have a drawing done afterwards.
17 I mean I guess we can just -- you can tell -- if you're
18 doing a digital, you can tell right away whether it is
19 actually visible. So if there is any problem with that --

20 MR. MUSSLEMAN: I can -- you want me to go
21 ahead and hook it up?

22 THE COURT: We can put it on your screen and
23 you be able to see what it is.

24 MS. BLUM: Perfect.

25 THE COURT: But I want to make everybody clear

1 you cannot use this for any broadcast purpose at all. It
2 is just to preserve the record, and also to be fair --
3 bluntly to be fair to the defense, to preserve your
4 ability to cross-examine, is that okay? I mean if you
5 don't want to do it -- if we don't have an agreement I
6 don't want do it. You're always entitled to get a picture
7 of an exhibit.

8 MR. FARGARSON: I agree with that, there has
9 got to be a picture, the jury is looking at it.

10 THE COURT: Exactly, that's exactly right.

11 MR. FARGARSON: If the jury is not looking at
12 anything, it wouldn't matter, but I mean whatever she was
13 drawing up, there should be --

14 THE COURT: We won't mark it as an exhibit
15 unless we need to, unless somebody --

16 MR. FARGARSON: Simply because it is similar to
17 oral testimony.

18 THE COURT: Yes, sir.

19 MR. FARGARSON: It is a visual aid to oral
20 testimony, so it has got -- we have got to have some --

21 THE COURT: Should we -- should we take a
22 10-minute break so they can do that? And, gentlemen, it
23 is up to you to tell us when you want something recorded.
24 It is not up to me to say we're going to record
25 everything, because we're not here to do that. We're here

1 to preserve the record, not to -- it's not a -- okay.

2 MS. BLUM: Thank you very much.

3 THE COURT: Thank you.

4 (The following proceedings were had in open
5 court.)

6 THE COURT: The reason we're conferring is that
7 part of our job is to make sure that there is a record for
8 someone to look at if they ever need to later on, and
9 because we have some visuals that are being shown to you,
10 I need to make arrangements to make sure that we can get
11 that. Sometimes it is just on a piece of paper and they
12 just hand it in and mark it, but everybody has gotten so
13 much more technically adapted. Even though this just has
14 got a chalkboard, it has got red, green, blue, it has got
15 numbers, we have to do that, which is fine, but we're
16 going to take a 10-minute break to let Mr. Mussleman and
17 the staff get in a position to make the necessary copies
18 just like we would if something was on that screen, we
19 will make a copy of that. So I apologize, we weren't
20 quite sure what was going to happen, and I did not
21 anticipate it. It is the right thing to do, and sometimes
22 that's what we just have to do. We're going to take a
23 10-minute, and as soon as Mr. Mussleman has everything in
24 order, he will be able to make those recordings.

25 THE CLERK: All rise. This Honorable Court

1 stands in recess.

2 (Recess taken at 10:45 until 11:00 a.m.)

3 THE COURT: The advantage, too, for defense
4 counsel is you will be able to see some of this at your
5 screen too if it is being done. I hope it works better
6 for everybody, and for the plaintiff's counsel also.

7 Gentlemen, is that okay?

8 MR. FARGARSON: Can you make it a little
9 larger? Okay.

10 THE COURT: Are we ready to go? Is that more
11 seeable?

12 Mr. Ruby, I think we're ready.

13 COURT SECURITY OFFICER: Yes, Your Honor.

14 (Jury in at 11:05 a.m.)

15 THE COURT: All right. You may be seated. And
16 counsel may proceed.

17 MR. ESQUIVEL: Thank you, Your Honor.

18 BY MR. ESQUIVEL:

19 Q. Professor Karl, before our break, you were talking
20 about this spy apparatus, what happened to that spy apparatus
21 over the time period that you have in on your board?

22 A. This spy apparatus, which is composed of an
23 intelligence section and an operation section is called
24 Ansesal, and the paramilitary operations or what is often
25 called the civil defense called orden, O-R-D-E-N. That

1 becomes the basis for what you later hear really starting in
2 1977 in this period after the electoral fraud and the death
3 squads. In other words, those people you hear in civilian
4 clothes grow out of this apparatus, and I will talk more about
5 this later, but it is important to know that it comes out of
6 this original apparatus.

7 Q. Thank you very much, Professor Karl.

8 A. One thing I just wanted to add is that Colonel Carranza
9 is involved in the establishment of this apparatus, so he --
10 you will be able to follow his career, but this is part of
11 where he starts in intelligence and operations in the
12 establishment of this apparatus.

13 MR. ESQUIVEL: Thank you, Your Honor. Your
14 Honor, is there anything more that we need to do --
15 Professor Karl is finished making that chart. I --

16 THE COURT: I think we have it. We now have a
17 copy, so I think we can turn that off for right now, and
18 we may need to keep somebody.

19 MR. ESQUIVEL: We will preserve that as it is,
20 I don't think we will have a need to erase it.

21 THE COURT: Okay. Thank you.

22 BY MR. ESQUIVEL:

23 Q. Professor Karl, was the military's response to these
24 opposition groups unified or was there some division within
25 the military?

1 A. Well, starting in 1977 on that picture, there were a
2 group of people who believed that the way to stop the rise of
3 opposition was to hit them very hard, to repress them very
4 hard, and those are what we call the hardliners, that's the
5 expression I will use. There was another group that started
6 to think that the days of military rule were ending, that El
7 Salvador should have a peaceful transition to a democracy and
8 those are the reformists. So inside the military -- remember
9 the military is also a government -- inside the military, you
10 really have two different groups, the reformists and the
11 hardliners, and the difference is really in how to respond to
12 the growth of an opposition. Hit them hard or transition to a
13 democracy.

14 Q. And did something happen in October of 1979 that
15 related to this division in the military?

16 A. Yes, in October of 1979, a group of young officers, it
17 was actually called the young officers coup, sometimes it is
18 called the young officers revolution, sometimes it is called
19 the October revolution, but in October of 1979, a group of
20 young officers literally had a coup inside the military and
21 pushed out the president -- it was a military man -- who was
22 extremely repressive, and started what they called the
23 revolution for democracy and for land reform in El Salvador.
24 That's in October of 1979.

25 Q. And what happened, what political structure resulted

1 from this coup?

2 A. Well, I've actually prepared --

3 Q. Would it be helpful for you to see the chain of command
4 chart that has been used?

5 A. Yes, it would.

6 MR. ESQUIVEL: Mr. Gibson, could you put that
7 up? Thank you.

8 A. So this is the military chain of command which you have
9 seen before, and up until October of '79, this -- if I touch
10 it, will it -- yes. This group right here has always been a
11 military person. The president was always a military person.
12 So there was a clear chain of command, the president, the
13 minister of defense, the vice-minister of defense, the head of
14 the general staff, and those four were what is called the high
15 command. So it was, again, the president, the minister, the
16 vice-minister and the head of the general staff, the high
17 command. But in October, 1979, instead of having just one
18 military president, you suddenly have a junta, and it is two
19 military officers and three civilians. So instead of one
20 general commander at the top right here, we suddenly have a
21 junta made up of two military men and three civilians.

22 Q. Who were the military men that served in the junta?

23 A. The military men that served in the junta were Colonel
24 Gutierrez who eventually allies himself with the hardliners,
25 and Colonel Majano who eventually allies himself with the

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1 reformists. Colonel Majano is spelled M-A-J-A-N-O, he's the
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2 reformist, and Colonel Gutierrez is G-U-T-I-E-R-R-E-Z, and
3 he's the hardliner.

4 MR. ESQUIVEL: Your Honor, may I have
5 permission to approach the witness, please?

6 THE COURT: You may.

7 BY MR. ESQUIVEL:

8 Q. I have handed you a photograph, does this photograph
9 depict the people you have been talking about?

10 A. Yes, it does.

11 MR. ESQUIVEL: Your Honor, we would move this
12 photo into evidence as Exhibit Number 23.

13 THE COURT: So received.

14 (Exhibit Number 23 was marked. Description:
15 Photograph.)

16 BY MR. ESQUIVEL:

17 Q. Earlier, Professor Karl, you mentioned the high
18 command, can you identify in this photograph who the members
19 of the high command were in October of 1979?

20 A. Yes, I can. The high command started from the man who
21 is closest to all of us is Colonel Castillo, Colonel
22 Carranza -- defendant in this case -- Colonel Majano -- who is
23 the reformist that I talked about -- Colonel Gutierrez who
24 is -- eventually allies him with the hardliners, and Colonel
25 Garcia who is the minister of defense. So in that picture,

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1 you will see the minister of defense, which is this gentleman

2 right here, and you will see Colonel Carranza, which is that
3 gentleman right there. These two people in the middle are now
4 at the top of the chain, but there are two of them, and one is
5 a hardliner and one is a reformist.

6 Q. And in which camp did Colonel Carranza and Colonel
7 Garcia fall?

8 A. Colonel Carranza and Colonel Garcia fell within the
9 hardliners.

10 Q. What was Colonel Carranza appointed the vice-minister
11 of defense in this government?

12 A. Well, I think he was appointed for several reasons. He
13 had a very close relationship with Colonel Garcia, who is this
14 man here, who becomes the minister. They had worked together
15 in ANTEL, which is the telecommunications group. He had also
16 worked with Colonel Gutierrez, this man here, in ANTEL, they
17 had all worked together.

18 Q. Excuse me, if you could explain to the jury what ANTEL
19 is.

20 A. Yes, ANTEL is the telecommunications center, and it is
21 very important, not just because it helps you make your phone
22 calls, but it is also a part of the large spy apparatus that I
23 talked about. It is where conversations were overheard, and I
24 think -- there's an expression that is very important in this
25 story, because not only do you set up orden, which is this

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1 paramilitary civil guard that allows you to find out what's
2 happening, so if we were all in a small village in El

3 Salvador, somewhere in this room would be people who are in
4 the civil guard, and we may not know who they are.
5 Salvadorans refer to them as orejas, the ears that listen to
6 you. So somewhere in this group or somewhere in our group
7 would be somebody who was telling the military what we are all
8 talking about. In the telecommunication system, they would
9 regularly spy on conversations, and those would be fed into
10 the military intelligence apparatus, so there was a way of
11 hearing and seeing. These colonels all worked in ANTEL, which
12 was the telecommunications systems, and they all worked
13 closely together. So I think that was one of the reasons he
14 was appointed was that he had such a close relationship with
15 Colonel Gutierrez and Colonel Garcia, a close professional
16 relationship.

17 Q. Were there other reasons that he was appointed?

18 A. Yes, I think that Colonel Carranza was known as an
19 extremely intelligent man with an excellent memory, as a
20 person who was -- the expression in El Salvador is
21 presidenciable, he would become a president of the country, he
22 would become one of the military presidents, so he had a lot
23 of prestige in his graduating class because he had graduated
24 number one.

25 Q. And what's the significance of that?

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1 A. That really means -- the people who graduate number one
2 and number two in the class, remember I talked about the class

3 being the way you all rise together, they're really the
4 leaders of the class. And they are the people who will get --
5 unless something intervenes, they will get to the top of the
6 chain of command, they will become the presidents of the
7 country, they will be the ministers of defense, they will
8 become the vice-minister of defense, they will become the head
9 of the general staff. Those are the positions that everybody
10 wants, and they will, barring some accident or some
11 misbehavior, they will get to the top of the chain of command.
12 And I think that was -- the other thing is he had this
13 tremendous status among his group. That status came because
14 he was known as Mr. Intelligence. He was the man who new the
15 intelligence apparatus. His whole career in the '70s was
16 really in intelligence. He was also known as Mr. Operations,
17 he knew how to get things done, he was a man that everybody
18 recognized as somebody who could really get things done. And
19 I think for that reason, he was a desirable asset for the CIA
20 as well. They felt like he was very well placed to tell them
21 things, and that he also was so high up and so prestigious
22 that he would know what was happening in the high command as
23 well, or among the top officers.

24 Q. Professor Karl, you have spoken a couple of times about
25 the hardliners, what did it mean to be a hardliner in the

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1 Salvadoran military in 1980?

2 A. What it meant to be a hardliner is -- the phrase that
3 Salvadoran colonels used always in private conversations,

4 although not necessarily in their press conferences was guerra
5 total, that means to total war. Guerra total.

6 Q. What was meant by to the total war?

7 A. Total war is a war in which you do mass killings and
8 state terror as a deliberate policy. That's what is called
9 total war. It means that you don't just fight a small armed
10 group, but that the population itself must be made to feel the
11 war so they will not join the opposition, and that's what
12 total war means. It means that the key victims in a total war
13 are noncombatants, they are people that do not carry guns.
14 They are people who are not in the armed resistance because,
15 in fact, those people can protect themselves much better, but
16 they are civilians.

17 Q. And who are the key threats to the hardliners?

18 A. Well, interestingly enough, while the rhetoric said
19 that the key threats were the guerillas, in other words,
20 whether we charge everybody with being a guerilla or in the
21 FMLN or an armed combatant, in fact, I think very strongly
22 that the military was much more afraid of the moderates, and
23 the reason I think that is that it was the moderates that were
24 going to end the military dictatorship and transition this
25 country to a democracy. So their first targets were actually

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1 the Christian democrats, the party that I said had won the
2 1972 elections that were very anti-communist, very religious,
3 but there was a whole campaign of the military originally to

4 kill leaders of the Christian democratic parties, and these
5 were, in fact, moderates. It was often, most often peaceful
6 people. It was most often people who led these movements that
7 I talked about. They were relatively easy to pick off. You
8 could find them, they were often in the front of
9 demonstrations, you could identify them and you could pick
10 them off.

11 Q. And what was the hardliners' positions or views about
12 communists and communism?

13 A. Well, they painted everybody with the same brush.
14 Everybody was a communist, everybody. Jose Napoleon Duarte
15 was a communist. In the declassifieds, they argued that
16 Ambassador Robert White is a communist. In the -- everybody
17 is a communist, and a communist and a communist sympathizer is
18 the same thing, so whoever you are, wherever you come from,
19 whether you come from the communist party and are, in fact, a
20 communist or whether you come from the Christian democratic
21 party and are not, or the social democratic party and or are,
22 or the unions or a peasant group that has no clue what
23 Marxist-Leninism is or communism, doesn't know what this is,
24 no matter where you come from, you're painted with the same
25 brush, you're all communists.

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1 Q. Professor Karl, did you review Mr. -- Colonel
2 Carranza's deposition as part of your preparation for this
3 case?

4 A. Yes, I did.

5 Q. Let me point your attention to page 280 from that
6 deposition, which is from lines 4 to 8, and the following
7 question and answer:
8 Question: Okay. And did you consider those to be part
9 of the same group, those who were communists and those who
10 sympathized with communists?
11 Answer: Yes.
12 Is that consistent with your understanding of what the
13 hardliners believed about communist and communist sympathizers
14 in El Salvador?
15 A. Yes.
16 Q. Now, Professor Karl, in 1979 following the coup, where
17 did -- where was the location of power within the Salvadoran
18 military?
19 A. Could I have the chain of command again?
20 Q. Yes.
21 MR. ESQUIVEL: Mr. Gibson, could you put up the
22 chain of command graph?
23 A. Thank you.
24 MR. ESQUIVEL: Thank you.
25 A. The problem when the junta occurs, when the October,

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1 '79 revolution occurs is that you now have up here civilians,
2 and so it becomes extremely important for the military to move
3 power into an area where there is no -- where there are no
4 civilians, and that's the ministry of defense, where there are

5 no civilians in power. So you see a very important shift,
6 which I will explain later, for the purposes of right now,
7 into the ministry of defense as the very important center of
8 power, center of intelligence and center of operations to stop
9 the growth of an opposition.

10 MR. ESQUIVEL: Your Honor, may I have
11 permission to approach the witness, please?

12 THE COURT: You may.

13 BY MR. ESQUIVEL:

14 Q. Professor Karl, I have handed you a document which is
15 dated December 17, 1980. Would you please tell me what this
16 document is?

17 A. Yes, this is a CIA declassified document which was
18 declassified for the Salvadoran Truth Commission. It
19 involves -- it is a discussion of the military's attitudes in
20 1980.

21 MR. ESQUIVEL: Your Honor, at this time the
22 plaintiffs move this document as Exhibit --

23 THE CLERK: 24.

24 MR. ESQUIVEL: -- 24.

25 THE COURT: So received.

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1 (Exhibit Number 24 was marked. Description:
2 Declassified Document.)

3 BY MR. ESQUIVEL:

4 Q. Professor Karl, could you please read for the jury the
5 first paragraph of this CIA document?

6 A. Yes. The military is more unified and its chain of
7 command more consolidated than at any time since the coup in
8 October of 1979. The defense ministry retains complete
9 control of all military affairs and has significant veto power
10 over other government policy through junta vice-president
11 Colonel Gutierrez, the official military spokesman in the
12 civil military alliance. I pointed out Colonel Gutierrez in
13 the photo as the man who eventually became -- eventually
14 joined the hardliners.

15 Q. Professor Karl, what is the significance of this cable
16 and this information to your conclusions about where power
17 resided in the Salvadoran government?

18 A. It is corroborating evidence with a lot of other
19 evidence I have, that it is the defense ministry which was the
20 key place where power was exercised, where military policy was
21 developed, and that the two most important people in the
22 country were Colonel Garcia, the defense minister, and Colonel
23 Carranza, the vice-minister of defense. So he's one of the
24 two most important people in the country because this is where
25 power resides.

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1 Q. Professor Karl, let's turn now to what happened in El
2 Salvador in 1980. We have heard testimony about the violence
3 that occurred there. How widespread was the violence in El
4 Salvador in 1980?

5 A. Violence was everywhere, it was everywhere. If someone

6 I like me could land in El Salvador and find a body in the
7 parking lot of a very nice hotel, who could find a body in one
8 of the nicest shopping centers in town, who could see on
9 television -- I may need to clarify this. I saw on television
10 of one of my trips -- you couldn't go out at night, it was too
11 dangerous, I was always stuck in my hotel room at night and I
12 would watch TV since there was nothing to do. And one night I
13 was watching -- this was in 1983, the history of rock and
14 roll, which was in Spanish and listening to this, and while I
15 was watching it, the musician who was playing literally faded
16 off the screen, faded off the screen, he was gone. And
17 suddenly there was a face in front of me of a man, he said me
18 I llamo Santiago Hernandez. My name is Santiago Hernandez. Soy
19 comunista. I'm a communist. He proceeded to say that he had
20 been trained in Cuba, that he had been trained to kill
21 Salvadoran military officers and that he had fallen into the
22 people's justice and he awaited the justice of the people. I
23 was so stunned by this that I turned the channel and he was on
24 two other stations. Three other people came on TV, confessed
25 to being communist, confessed to being trained in Cuba and

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1 said they awaited the people's justice.

2 The next morning when you would go out about 5:30 or
3 6:00 in the morning, because there was a state of siege, you
4 had to go out really early in the morning, and I was the only
5 non-journalist there, but we used to meet early and tell
6 everyone where we were going so somebody would know where we

7 were. And I got down to the Associated Press Office, and
8 there was a notice, a note there that said a surprise -- not a
9 note, a phone call, excuse me, a surprise awaited the members
10 of the press at a certain address, and so we all went. And on
11 the floor -- we walked into a house, it was a very nice kind
12 of middle class area, the door was open, which meant you
13 immediately had a sense of threat, and I remember walking and
14 on the floor were four bodies. I saw Santiago Hernandez, he
15 had been tortured unbelievably, and he had written across his
16 chest for being a communist that had been written in his skin.
17 The publicness of this, the fact that it was on television,
18 the body dumps, the bodies that you could find the minute you
19 went out in a car, particularly in the rural areas, because it
20 was much more visible in the rural areas, this was what we
21 call widespread and systemic killing of civilians.

22 MR. ESQUIVEL: Your Honor, may I have
23 permission to approach the witness?

24 THE COURT: You may.

25 A. I should add that Santiago Hernandez was a labor

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1 leader.

2 BY MR. ESQUIVEL:

3 Q. Professor Karl, I have handed you a photograph. Does
4 this photograph fairly and accurately depict a scene that you
5 witnessed while in El Salvador?

6 A. Yes, it does.

7 MR. ESQUIVEL: Your Honor, the plaintiffs move
8 this photograph into evidence as Exhibit 25.
9 THE COURT: So received.
10 MR. BROOKE: Can we ask the date of it, Your
11 Honor.
12 THE COURT: Certainly.
13 (Exhibit Number 25 was marked. Description:
14 Photograph.)
15 BY MR. ESQUIVEL:
16 Q. What time period did you view the -- this scene or this
17 type of scene, Professor Karl?
18 A. I saw this in 1983.
19 Q. And what is this a photograph of?
20 A. This is a photograph of el playon. El playon is a
21 volcanic area. You can see the volcanic land around it, and
22 it was a very well-known body dump. The only way you could
23 get to el playon was to go through a military check point. It
24 was located very close to several military operations, and the
25 only -- there's only one road that goes there, and that road

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1 was always guarded by the military, which means that anybody
2 dumping bodies here would have had to do so with the
3 permission of the military.
4 Q. When you say body dump, Professor Karl, what do you
5 mean by that?
6 A. When people were tortured or killed, there was a
7 problem of disposal of their bodies, and the military and the

8 military led death squads, when they finished with somebody
9 would need to leave their bodies somewhere, and we referred to
10 these as body dumps. The reason is that you would always find
11 several bodies there rather than finding a body in a shopping
12 center or something else. And el playon was one of the most
13 notorious of the body dumps. The day I was there -- this is
14 not a picture that I took, it is a picture of something very
15 much like what I saw. I did not have a camera -- I actually
16 had a camera, but I was not allowed to bring it in, and the
17 day I was there, I believe I saw nine bodies. I remember
18 mostly the body of a woman who had her panties around her
19 ankles and who was missing her left breast.

20 MR. ESQUIVEL: Your Honor, may I have
21 permission to approach the witness, please?

22 THE COURT: You may.

23 BY MR. ESQUIVEL:

24 Q. Professor Karl, I have handed you a photograph, does
25 this photograph fairly and accurately depict the kind of scene

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1 that you saw when you were in El Salvador in the early 1980's?

2 A. Yes, it does.

3 MR. ESQUIVEL: Your Honor, the plaintiffs move
4 this photograph into evidence as Exhibit 26.

5 THE COURT: So received.

6 (Exhibit Number 26 was marked. Description:
7 Photograph.)

8 BY MR. ESQUIVEL:
9 Q. Professor Karl, what does this photograph show?
10 A. These are two bodies by the side of the road. I'm not
11 able to identify the road, but it is very much like the roads
12 I traveled. I always dreaded landing in El Salvador and
13 taking the road from the airport, because I was always afraid
14 between the airport and the hotel I would see scenes like
15 this.
16 Q. Was this type of scene common in El Salvador in the
17 early 1980s?
18 A. Yes.
19 MR. FARGARSON: Year, David?
20 MR. ESQUIVEL: I'm sorry.
21 MR. BROOKE: The date?
22 MR. ESQUIVEL: The early 1980s.
23 BY MR. ESQUIVEL:
24 Q. Professor Karl, did this scene depict a scene that you
25 saw in the early 1980s when you were in El Salvador?

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1 A. Yes, it did.
2 MR. ESQUIVEL: Your Honor, may I approach the
3 witness?
4 A. It is representative of what I saw. This is not an
5 actual photo that I took.
6 Q. Professor Karl, I have handed you a photograph, does it
7 fairly and accurately depict the type of scene that you saw in
8 El Salvador in the early 1980s?

9 A. Yes.
10 MR. ESQUIVEL: Your Honor, the plaintiffs move
11 this photograph into evidence as Exhibit 27.
12 THE COURT: So received.
13 (Exhibit Number 26 was marked. Description:
14 Photograph.)
15 BY MR. ESQUIVEL:
16 Q. Professor Karl, what does this photograph show?
17 A. This photograph shows a pile of bodies. You will
18 notice they're right out in public right near cars. You see
19 the man staring at them. Piles of bodies were often left
20 outside morgues or in some place where you wanted to send a
21 message.
22 Q. And what was the intended message as you understood it?
23 A. The intended messages were very clear, if you join the
24 opposition, this is going to happen to you; and if you speak
25 out in any way, this is going to happen to you; and if you

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1 cross us in any way, this is going to happen to you. I
2 remember a representative of a legislature at one point
3 protested death squad activity, and the next day, he found in
4 the trunk of his own car a body of one of his relatives, so
5 these were symbols and signals to people that this is going to
6 happen to you, this is going to happen to you.
7 Q. Professor Karl, how many civilians were killed in El
8 Salvador during the 1980s?

9 A. Excuse me, there's no --
10 Q. Yes.
11 A. -- there's no record number on this, do you need one?
12 THE COURT: Exhibit 27.
13 THE WITNESS: Yes.
14 (Exhibit Number 27 was marked. Description:
15 Photograph.)
16 A. I'm sorry, would you repeat the question?
17 BY MR. ESQUIVEL:
18 Q. Yes. How many civilians were killed in El Salvador
19 during the 1980s?
20 A. We don't really know. You can never be accurate in
21 these kinds of things. The figure that most people use is
22 75,000. That does not include numbers of disappeared, which
23 have always been impossible to count or track in the same way.
24 But I should add that that is a working figure that is used by
25 virtually all scholarly sources now.

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1 Q. And of those 75,000, Professor Karl, how many were
2 killed in 1980 alone, approximately how many?
3 A. Somewhere between 9 and 12,000. We use the working
4 figure of 10,000 for 1980. We believe that about a thousand
5 people a month were dying in El Salvador, and remember this is
6 a country of only five million people, so this is a quite
7 extraordinary statistic. 1980 was one of the worst years, and
8 what is so important about 1980 is, as I said before, when
9 state -- when a few people want to initiate a state terror,

10 you have to stop it immediately, because if you don't stop it
11 immediately, it takes on a life of its own and spreads. And
12 so 1980 is the critical year of the start of state terror.

13 MR. ESQUIVEL: Your Honor, may I approach the
14 witness, please?

15 THE COURT: You may.

16 BY MR. ESQUIVEL:

17 Q. Professor Karl, I have handed you a binder with a
18 document inside, could you identify what that document is,
19 please?

20 A. This is the report of the United Nations Truth
21 Commission on El Salvador which was presented to the United
22 Nations as a mechanism to try to establish who did what to
23 whom in El Salvador.

24 Q. And is this the Truth Commission that you referred to
25 earlier in your testimony?

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1 A. Yes, it is.

2 Q. And what did the Truth Commission do to go about making
3 these findings?

4 A. Let me just step back a moment and say that in most --
5 in many civil wars or state terrors that become civil war like
6 the case of El Salvador, the justice system is completely
7 compromised. It won't function as a justice system. Judges
8 are killed, witnesses are threatened. That was very much the
9 case in El Salvador. And you remember the judge who

10 intervened in the case of Daniel Alvarado who was murdered for
11 taking him out, I believe, of the treasury police, and so
12 there was a great deal of compromising of the justice system.
13 It just simply couldn't function in these circumstances, and
14 when that's the case, it's very difficult to have judicial
15 proceedings after something like this. And what international
16 bodies do or countries decide to do themselves is they hold
17 what is called a Truth Commission. This is a commission that
18 is either established inside or outside the country, they have
19 occurred in South Africa, they have occurred in El Salvador,
20 in Guatemala, in many other places, again, under the auspices
21 of extremely reputable agencies and people to try to establish
22 some truth in a horrific war or state terror that could be
23 part of a historical record, so it is not a trial. They're
24 not findings that will lead people to trial, but they are
25 findings to establish truth, and they are part of, in this

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1 case and in most cases, a negotiating process. In other
2 words, in the UN negotiating process, both sides agreed to
3 establish a Truth Commission led by three commissioners, that
4 they would both -- that both sides would agree on as being
5 fair and impartial. The decision was made by both sides, and
6 by that, I mean the FMLN on one side and the Salvadoran
7 military and the civilian sides that were with each to have
8 those reputable people who would be the commissioners of the
9 Truth Commission be foreigners because no one felt safe enough
10 to judge the military and security forces as a Salvadoran at

- 11 that time.
- 12 Q. And who were selected as the commissioners to carry out
13 this process?
- 14 A. The three commissioners were the president of the
15 Republic of Colombia, the former president, the Latin American
16 country Colombia, the former foreign minister of Venezuela and
17 a very reputable human rights adjudicator and scholar and
18 attorney in the United States who is very, very well know
19 named Thomas Buergenthal, so there was one U. S. citizen, one
20 Colombian citizen and one Venezuelan citizen who investigated
21 what happened to whom in El Salvador.
- 22 Q. Did they have a staff of people that they worked with?
- 23 A. They had a large staff.
- 24 Q. All right.
- 25 A. Relatively large staff.

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DIRECT - TERRY LYNN KARL

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- 1 Q. Who composed -- generally speaking, who composed the
2 staff of the UN Truth Commission for El Salvador?
- 3 A. They decided to do an investigation that would be
4 independent of all other investigations, so while they would
5 use information from all sides, from the Arch Bishop which I
6 described that collect data, to Amnesty International, to what
7 was then known as America's Watch and is now called Human
8 Rights Watch, to all the major human rights groups, to the
9 formal government, human rights agency because there was one
10 at the -- by the end of the war, to the Opposition Human

11 Rights Agency, they would include all this information, but
12 they would do their own studies. So their staffs were
13 composed of lawyers, scholars, trained investigators who would
14 chose certain cases. There was no way they could investigate
15 75,000 murders, they had a very short time span to actually
16 carry out the investigations, it was six months, so they
17 decided that they would choose representative samples of
18 incidents, and the representative samples were chosen either
19 because it was such a famous murder -- for example, the murder
20 of Arch Bishop Romero, everybody knew that the Arch Bishop of
21 El Salvador was killed in the church while he was saying mass,
22 everybody knew that, and so his case was going to be a case.
23 Everybody knew that the six leaders of the FDR of this popular
24 movement had been murdered, and so that would be a case,
25 because they were so famous. And then there were other cases

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DIRECT - TERRY LYNN KARL

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1 that were chosen because they were representative of something
2 else. There might have been a massacre in a rural village,
3 and it would be chosen, not because everybody knew about it,
4 but it would be representative of certain kinds of killings.
5 Q. And how did the commissioners and their staff go about
6 making these investigations, what did they do?
7 A. They went to the sites, they had forensic teams in some
8 cases, they actually dug up -- in the Massacre of El Mozote,
9 they dug up 112 children under the ages of 10. They -- they
10 interviewed witnesses, they asked people to come in and
11 testify or to bring complaints, which was still very scary

12 even though UN protection was there. And there were UN troops
13 all over the country now, so it was a little bit safer in that
14 moment to come in. So they took complaints. They followed
15 up. When people were accused, they met with them and told
16 them the accusations and asked their side of the story. So,
17 for example, if Colonel Vides Casanova who was the defense
18 minister after General Garcia was accused as he was several
19 times, he was given the opportunity to meet with the
20 commissioners and answer the kinds of evidence that had been
21 presented.

22 MR. ESQUIVEL: Your Honor, the plaintiffs move
23 this document, the Report of the UN Truth Commission on El
24 Salvador into evidence as Exhibit 28.

25 THE COURT: It is so received.

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DIRECT - TERRY LYNN KARL

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1 (Exhibit Number 28 was marked. Description:
2 Trust Commission Report.)
3 A. May I add one more thing? They had a scale of evidence
4 that was very high in the circumstances because you really had
5 to show -- remember, these are not judicial cases, but they
6 used certain kinds of standards that they took from the law.
7 One standard was the preponderance of evidence shows, in other
8 words, and the other one was beyond a reasonable doubt, so
9 there were two -- there were actually three different
10 statuses, but they were between those concepts of either there
11 had to be a preponderance of the evidence or it had to be

12 beyond a reasonable doubt.

13 BY MR. ESQUIVEL:

14 Q. Professor Karl, did you prepare an exhibit with summary
15 information based on your review of documentation from the UN
16 Truth Commission Report?

17 A. Yes, I did.

18 MR. ESQUIVEL: Your Honor, may I approach the
19 witness?

20 THE COURT: You may.

21 BY MR. ESQUIVEL:

22 Q. Professor Karl, I have handed you a document, is this
23 the summary that you prepared or had prepared under your
24 direction?

25 A. Yes.

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DIRECT - TERRY LYNN KARL

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1 MR. ESQUIVEL: Your Honor, the plaintiffs move
2 this document into evidence as Exhibit Number 29.

3 (Exhibit Number 29 was marked. Description:
4 Demonstrative.)

5 THE COURT: So received.

6 BY MR. ESQUIVEL:

7 Q. Would you please explain to the members of the jury
8 what this document shows?

9 A. The United Nations Truth Commission received 22,000
10 complaints. Of those complaints 7000 were brought directly
11 and investigated to some extent by the Truth Commission. They
12 were not investigated to the extent of the cases that I talked

13 about earlier. When you analyze those 22,000 complaints, this
14 is a breakup of when the incidents were reported. What is
15 important here is, as I said, the first years are so important
16 in a situation of state terror because if you have enough
17 state error, it will either stop everything or a full-blown
18 war will happen, one or the other, either the state terror
19 will be effective or everything will stop or it will turn into
20 a civil war which is what happened in El Salvador. These
21 incidents, 75 percent of them occurred in the 1980 to 1983
22 period.

23 Q. And when it says complaints that were received, these
24 were complaints from whom?

25 A. From anybody. They were complaints -- anybody who had

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DIRECT - TERRY LYNN KARL

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1 a complaint and who felt able to bring a complaint --
2 remember, there's no judicial action, they're just coming in
3 to tell their story -- would come to the United States Nations
4 operations where this was being held, they would file their
5 complaint, so there are actually written complaints on file.
6 Many people were illiterate, so there were people to actually
7 write down their words, and these are the 22,000 actual filed
8 complaints.

9 Q. Now, Professor Karl, did you prepare a document to
10 compare the level of violence in El Salvador to violence in
11 other countries?

12 A. I did.

13 MR. ESQUIVEL: Mr. Gibson, would you put that
14 up, please?
15 Q. Now, Professor Karl, please explain to the jury what
16 this graph shows.
17 A. All right. I worked previously in South America, and
18 the most well-known military dictatorships in the past had
19 been in Argentina and Chile. Colonel Garcia when he
20 testified, testified about the Argentinian military, and he
21 said he had been held prisoner by them or he had been -- he
22 had been made a prisoner in Argentina during what we call the
23 dirty war. The Pinochet military dictatorship is the 1973 to
24 1990 column on the far right of the jury. If you look at that
25 graph, what I did was compare the number -- the percentage of

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DIRECT - TERRY LYNN KARL

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1 the popu -- I took the entire population, and then I took the
2 percentage of reported killed or disappeared in each country,
3 and what you see is that even though the Chilean military
4 dictatorship and the Argentinian military dictatorship are
5 actually far more well known in scholarly circles anyway, El
6 Salvador has a much, much higher percentage of civilian
7 murders. It is really quite extraordinary. That's one of the
8 highest -- that huge long column there represents probably the
9 most massive state terror in a very short period of time in
10 the history of Latin America with the exception of one
11 country, which is Guatemala. Guatemala was actually a little
12 bit worse.
13 Q. What effect did this level of killing have in El

14 Salvador?
15 A. Well, this is coming largely, as you will see in a bit,
16 from the police, from the national guard and from the treasury
17 police. They are the main perpetrators of murders in this
18 period of time, of civilian killings. And you can imagine if
19 you were somebody in a home and suddenly some group of armed
20 men, either in uniform or not in uniform breaks into your home
21 and shoots your daughter and you know they're the police,
22 where are you going to go? I mean where can you possibly go.
23 Where are you going to go if it is the police? Where are you
24 going to go if it is the military? Where are you going to go
25 if it is the government doing this? You don't have any place

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DIRECT - TERRY LYNN KARL

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1 to go. And so the fear was -- you could feel fear. You could
2 cut through fear with a knife. I mean we all felt the fear, I
3 felt the fear, and it stopped everything. You never went out
4 at night, you never talked to anybody. You didn't know who
5 was -- who was listening to you. You didn't know who in
6 your -- it could be your relative who had been on the payroll
7 of the military as an ear. You know, it could be some poor
8 guy who just wanted to buy medicine for his daughter, and so
9 the only way he could earn money was to inform. It could be
10 in your family, so it was terrifying. It was absolutely
11 terrifying, and it meant that you couldn't complain. You
12 would never, ever go to a military man and say this happened
13 to me, ever, because the military was the major perpetrator of

14 this. You would never in a press conference turn around and
15 say, excuse me, I have been tortured, because you know who did
16 it. You just couldn't do that.

17 Q. Now, Professor Karl, up to this point, we have been
18 talking about killings. Was torture also widespread in El
19 Salvador in 1980?

20 A. Yes.

21 Q. How wide spread was the torture?

22 A. Oh, it has been very hard to get statistics on torture,
23 and that is -- of the 22,000 complaints of the Truth
24 Commission, 7000 of them had stories of torture. Now, that is
25 a -- about 20 percent. But what is really -- what is really

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1 important in the torture is that that -- when people were
2 murdered and tortured, they didn't count as a tortured person,
3 they counted as a murdered person. And so if somebody had
4 been tortured and murdered, it would actually appear as
5 torture, it would appear as murder. And it is only later that
6 people tried to quantify in some way the number tortured, we
7 have never been very successful at that. It was very, very
8 widespread, torture.

9 Q. Were there any typical methods of torture that was used
10 during the time?

11 A. Yeah, and I have interviewed survivors of torture and I
12 have reviewed those albums of those faces that I showed you of
13 the bodies that were found so that their families could
14 identify them. I actually tried to keep a tally of the types

15 of torture that I saw in photos or on bodies of severe
16 beatings, always choking, a lot of marks around the neck,
17 electric shock treatment, so you could see small burns.
18 People reported suffocation with hoods, a lot of use of hoods
19 and suffocation. So much rape and sexual violence,
20 particularly of the women but not always of just women. We
21 had so much sexual violence. Being forced to witness the
22 sexual violence of your family members. Submerging people in
23 water, burning them, burning them with acid. Mock executions,
24 they said they were going to kill me, put a hood over me, I
25 heard the click of a gun, and they didn't do it. Always

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DIRECT - TERRY LYNN KARL

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1 deprivation of food, water and sleep, that was always part of
2 it. But I think that the thing that was most terrifying to
3 the people that I interviewed who had survived torture is
4 their families were always threatened. The families were
5 always threatened, and I remember one of the most moving
6 interviews I ever did was with a man in Mariona prison who
7 every member of his family had been killed by the military
8 because he would not confess, and so they would systematically
9 kill one after another, and he had lost his whole family. He
10 actually lived, but they had killed his whole family.
11 Santiago Hernandez' family, the man who I saw confess on
12 television, his family believed that he confessed on
13 television to save them, that he knew he was going to die.
14 Q. What was the purpose of the military's use of this

15 torture?

16 A. Terror, terror. Anybody tortured wouldn't come back
17 and be in the opposition. It would show all of their family
18 members, it would show that there was a horrible way to die
19 coming for you. It was to get confessions, they wanted
20 confessions for people, and so they tortured them until they
21 got a confession. I think mostly, though, it was a form of
22 terror. This was so public, it was so public that people were
23 tortured. You would -- you could see a body over the Rio
24 Lempa, you could see a body hanging from the bridge, you
25 just -- there would be a bridge there like a bridge over any

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DIRECT - TERRY LYNN KARL

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1 body of water, and there would be a body hanging there, the
2 guy would be dead, but his body would be just mangled, and it
3 was terror.

4 MR. ESQUIVEL: Your Honor, may I approach the
5 witness?

6 THE COURT: You may.

7 BY MR. ESQUIVEL:

8 Q. Professor Karl, I have handed you a document that is
9 dated July the 6th, 1984, and in this cable that is entitled
10 prevalence of torture, have you seen this document before?

11 A. Yes, I have.

12 Q. And what is it?

13 A. It's from the Secretary of State in Washington, D. C.
14 to the American Embassy in San Salvador, and it is a priority
15 document.

16 Q. Is this the type of information to and from the embassy
17 that Ambassador White referred to in his testimony?

18 A. Yes.

19 Q. You were present for that testimony?

20 A. Yes, I was.

21 MR. ESQUIVEL: Your Honor, the plaintiffs move
22 this document into evidence as Exhibit 30.

23 THE COURT: So received.

24 (Exhibit Number 30 was marked. Description:
25 Telegram.)

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DIRECT - TERRY LYNN KARL

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1 BY MR. ESQUIVEL:

2 Q. Professor Karl, let me ask you to turn to the second
3 page of this document to paragraph four, and please read for
4 the jury the highlighted portions of those paragraphs.

5 A. They are referring to the State Department Human Rights
6 Report, 1983, and they say: During 1983, elements within the
7 security forces used psychological and physical torture as
8 arbitrary punishment or to extract information from those
9 suspected of assisting the armed guerilla movement. It is
10 believed that torture almost exclusively occurred during the
11 initial stages of detention. Electric shock, severe beatings
12 and deprivation of food, water and sleep are the most
13 frequently mentioned types of coercion. There is evidence
14 that the use of torture often has been prolonged and extreme.

15 Q. Now, Professor Karl, what is the significance of this

16 communication to what you have been describing for the jury?
17 A. Well, I think it is a confirmation that this torture
18 was widespread, that it occurred everywhere across El
19 Salvador, that it -- certain methods are repeated over and
20 over and over again, that it is for the purposes that I talked
21 about. It confirms the other corroborating evidence about the
22 use of torture. It also confirms the Truth Commission.
23 Q. Professor Karl, earlier you used the term systematic,
24 was the violence committed by the military in El Salvador
25 systematic?

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DIRECT - TERRY LYNN KARL

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1 A. Yes, it was.
2 Q. And what does that mean, that it was systematic?
3 A. Let me preface this by saying that I tried in the early
4 '80s to keep track of the violence at both Harvard and
5 Stanford. We had a large map of El Salvador, different
6 colored pins and all kinds of things to see if we could
7 identify patterns. And when I say it is systematic, I mean
8 that it happens from the west to the east, from the north to
9 the south, it is all over the country, that's the first thing.
10 It is happening everywhere. So it just not accident, it is
11 happening everywhere. The second thing is that we could not
12 find a clear relationship between the incidence of repression
13 and the activities of the armed opposition, the guerillas. In
14 other words, you would have very dramatic cases of repression
15 in places that the guerillas were not active or were not very
16 active. You would even have very large cases of repression in

17 villages that had traditionally and strongly supported the
18 military. The massacre of El Mozote, for example, that I
19 described, the one where they -- the forensic team dug up the
20 112 children, that village had always been extremely loyal to
21 the armed forces and had no real history of producing a
22 guerilla opposition. So when I say systematic, if it were to
23 just to get the guerillas when they're acting, you would find
24 the armed cases where the guerillas were acting, but we
25 couldn't really discern that as a clear pattern. The other

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DIRECT - TERRY LYNN KARL

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1 reason I say systematic is that it requires to do -- to carry
2 out violence all over a country, to move bodies from one place
3 to another, it requires coordination, you can't just do this.
4 You have to find -- you have to have trucks and equipment and
5 guns and all kinds of things, you have to have coordination
6 between security forces, between the army You have to have
7 permission to pass through military check points, you have to
8 have all kinds of things. And in that sense, that
9 coordination of different forces, which is the logistical
10 coordination, which was one of the tasks of Colonel Carranza,
11 that is extremely important in this, and that is what I called
12 systematic. All those qualities mean that this isn't just
13 accidents.

14 Q. And who were the targets of this systematic repression?

15 A. Well, there were a number of targets, peasant leaders,
16 union leaders, all of the opposition I traced for you were

17 targets or their supporters or their friends or their parents
18 or their brothers or their sisters, but I think I would like
19 to highlight two in particular, because it was very important
20 that the -- this opposition arose from the more educated
21 sectors of El Salvador. In other words, the first important
22 union, as I said, was the teachers union. It was the teachers
23 who really said not just we want a pension, we need more
24 equipment, we don't have any schools, we don't have any
25 material, we don't have any books, everybody is illiterate,

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DIRECT - TERRY LYNN KARL

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1 they didn't just say those things, but they also said that
2 people have a right to learn, that education was a right, in a
3 country in which the word rights didn't exist, and so
4 teachers, I think, were particularly singled out for their
5 support of education, particularly rural education from
6 peasants, and the other people who are really targeted were
7 the religious people, the priests, the nuns, the Lutherans,
8 the Catholics, the lay people, the what were called
9 comunidades de base, which were small Christian groups that
10 grew out of local areas and that met regularly to talk about
11 the Bible, because in both cases, these were people who said
12 that education had a right. That was a right. The other
13 thing they said was that peasants should learn, and this was
14 not the history of this country, you didn't teach peasants,
15 you didn't do anything for peasants, and peasants are the
16 absolute majority of the country.

17 Q. Why were the peasants targets of repression?

18 A. Well, the peasants, I think the opposition to the
19 peasants learning to read, the opposition peasants becoming
20 involved in these church groups, et cetera, was because the
21 teachers and the churches were saying you have a right to a
22 better salary, you have a right not to be repressed. You have
23 a right to education. The words were pan, which means bread;
24 trabas, which means work; pecho, which was a roof over your
25 head; and dignidad, dignity, you have a right to dignity, you

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DIRECT - TERRY LYNN KARL

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1 have a right to be treated this way. And by saying that, they
2 were, in the eyes of the military, encouraging peasants to get
3 involved, to organize themselves, to defend themselves, to ask
4 for higher wages, to ask you for a little piece of land, to
5 not be passive, but to come be more active, and that was a
6 tremendous threat to the order, the existing status quo in El
7 Salvador, which was the military located on these big
8 plantations; and it meant that teachers were targets. Between
9 January and June of 1980, there are all kinds of statistics,
10 but I have a list of teachers, I have a list of 90 teachers in
11 that period -- this is by no means the number, because the
12 numbers are much greater -- who were killed in which we know
13 where they were killed, how they were killed, the name, the
14 place, the details, the age of the teacher, whether the forces
15 that were with them were combined operations, meaning armed
16 men in uniform, with armed men out of the uniforms. Most
17 teachers were targeted by dead squads, by military led death

18 squads. Most teachers died by people in plain clothes coming
19 and killing them. Most of them died in front of somebody.
20 And I think the most egregious one that I have ever looked at
21 was a case -- the teacher who was 26 years old, his name was
22 Mauricio Hernandez, and in 1980, he was killed in his
23 classroom in front of 40 seven-year olds, just shot in his
24 classroom.
25 Q. Now, Professor Karl, let's talk about who is

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DIRECT - TERRY LYNN KARL

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1 responsible for this violence that you have described, from
2 your research and your study and your personal experience in
3 El Salvador, who is responsible for this violence?
4 A. The military and security forces, and by that, I mean
5 particularly the security forces at the beginning, the
6 national police, the treasury police and the national guard,
7 and later the army, Navy and Air Force. We have particularly
8 good and accurate information in the case of El Salvador. In
9 many other cases, we don't know as much as we know now.
10 Q. And what is the information that you have, what do you
11 base that conclusion on?
12 A. I base that conclusion on the Truth Commission
13 investigation, I base that conclusion on the opinion of three
14 U. S. Ambassadors that I interviewed and whose declassified
15 documents I read, that is Ambassador White, Ambassador Hinton
16 and Ambassador Pickering.
17 Q. And when did those ambassadors serve in El Salvador?
18 A. Ambassador Hinton was appointed by Ronald Reagan, and

19 he was later replaced by Ambassador Pickering who was
20 appointed by Ronald Reagan, so that would in the 1980s.
21 Q. And you mentioned the Truth Commission report.
22 Professor Karl, did you prepare a summary based on the Truth
23 Commission report of responsibility for violence in El
24 Salvador?
25 A. I did.

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DIRECT - TERRY LYNN KARL

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1 MR. ESQUIVEL: May I approach the witness, Your
2 Honor?
3 THE COURT: You may.
4 BY MR. ESQUIVEL:
5 Q. Professor Karl, I've handed you a document. Is this
6 the summary that you prepared or had prepared under your
7 direction based on the findings of the Truth Commission?
8 A. Yes, sir.
9 MR. ESQUIVEL: Your Honor, the plaintiffs move
10 this document into evidence as Exhibit 31.
11 THE COURT: So received.
12 (Exhibit Number 31 was marked. Description:
13 Report.)
14 BY MR. ESQUIVEL:
15 Q. Professor Karl, could you please explain to the members
16 of the jury what this chart demonstrates?
17 A. If you take the 22,000 complaints that were filed to
18 the United Nations Truth Commission and you take the cases in

19 which a perpetrator is identified, in other words, they know
20 by the uniform or they know by witnesses who the perpetrator
21 is, this is a way of seeing who is responsible for which
22 deaths. I should add that it does not add up to a 100 like
23 most pie charts.

24 Q. Why is that?

25 A. The reason is -- it is not my math here, it is really

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DIRECT - TERRY LYNN KARL

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1 that the -- some of the -- the deaths fall into two
2 categories. For example, if you say there were dead squads,
3 that could fall under death squads or it could fall under
4 military escorts and civil defense, depending on how the
5 description was. So it won't add up to a 100 for that reason.

6 Q. And what does this chart say about the responsibility
7 of each of these different groups for the violence that took
8 place in El Salvador?

9 A. Well, according to the 22,000 -- and remember, the
10 numbers are much larger in El Salvador, so this is a
11 representative sample, it is not a description of all 75,000
12 murders, but what it shows you is that people in armed forces
13 uniforms creates 60 or are reported to have committed
14 60 percent of the violence. Members of the security forces
15 and, again, that's the national guard, the treasury police and
16 the national police are reported to have committed 25 percent
17 of the murders. They are the forces responsible for the
18 initial murders, but later that spreads into the army and
19 other places. The military escorts and civil defense units --

20 civil defense units are that spy apparatus that I talked
21 about, that means they're locally created units that worked
22 with the military, and that means that you will see some
23 people as formal military men and some people as civil
24 defense, they're responsible for 20 percent. When people said
25 the death squads came, that would be people out of uniform,

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DIRECT - TERRY LYNN KARL

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1 that's 10 percent, although that includes the majority of
2 teachers in that 10 percent. And the foreign opposition, the
3 FMLN was reported to have been responsible for five percent of
4 those. Most of those murders and violations by the FMLN were
5 committed by one group in particular in the FMLN, and that
6 counts for violations of murders of mayors, for example.

7 Q. Now, Professor Karl, you also mentioned evidence from
8 United States government cables about the responsibility of
9 the military for this violence. Let me ask you to look,
10 please, at Trial Exhibit 7. Would you remind the members of
11 the jury, please, what Trial Exhibit 7 is?

12 A. Yes, it is a declassified document by Patricia Derian
13 who was responsible for investigating human rights inside the
14 U. S. government at this time, and she is writing to the
15 deputy secretary.

16 Q. And what is her conclusion from this report, if you
17 would please read from page two of this report?

18 A. Her conclusion is embassy reports make clear that the
19 security forces and the military are responsible for much of

20 the killings and human rights abuses in the country. The
21 assassination of the FDR leadership, which is the leaders, the
22 six leaders who were murdered, the assassination of the FDR
23 leadership reflects an intensification and extension of the
24 repression conducted by the security forces since last March.
25 Q. Is that conclusion consistent with your understanding

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DIRECT - TERRY LYNN KARL

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1 of who was responsible for the majority of violence in El
2 Salvador in 1980?
3 A. Yes, it is.
4 Q. Professor Karl, do your conclusions about the
5 responsibility of the military for violence also rely on any
6 Salvadoran sources?
7 A. Yes, they rely on a large number of Salvadoran sources.
8 Q. What are they?
9 A. The responsibility of who commits these crimes are
10 taken, the officially filed papers in both the Truth
11 Commission complaints and those are all from Salvadorans, as
12 well as the official papers of the arch diocese of El
13 Salvador, in other words, the Arch Bishop's office, the one
14 that I said conducted these complaints. I also took them --
15 the Lutheran ministry was very active El Salvador, and I also
16 took descriptions of responsibility from those, I took them
17 from my own interviews of Salvadorans, I took them from the
18 public statements of the civilian representatives of the
19 junta. Remember, I said there were two military men and three
20 civilians. They resigned and the cabinets resign as well, and

21 their letters say we cannot stop the repression, we cannot
22 control the army, we have no civilian control over the army,
23 and we're resigning precisely because we cannot stop the
24 repression, and they refer very specifically to the repression
25 led by the ministry of defense.

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DIRECT - TERRY LYNN KARL

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1 Q. Professor Karl, is there any scholarly consensus among
2 Latin American scholars about the responsibility of the
3 Salvadoran military for this violence?

4 A. Yes, there's a scholarly consensus, and I would say
5 that every reputable scholarly source gives statistics that
6 are similar to the ones that I have shown you. Every
7 reputable one has said that it is primarily the military and
8 security forces that committed these violations. Every
9 reputable source says it is not only the Salvadoran armed
10 forces and security forces that committed these, but the
11 majority of killings are by the Salvadoran armed forces.

12 Q. Professor Karl, the jury has heard a lot about dead
13 squads during the course of this trial. Would you please
14 explain generally what death squads were?

15 A. Death squads are what we call a mechanism of denial.
16 If you want to kill somebody and you don't want people to know
17 you did it. If you want to kill teachers, for example, and --
18 and teachers were very respected in El Salvador, as were
19 priests and nuns, and these were the figures in every
20 community that were important and respected, and you didn't

21 want to make it look like you were actually doing the
22 killings, then men would go out, they would be military men
23 from the security forces or from the armed forces, the
24 military or security forces, they would literally take off
25 their uniforms and put on civilian clothes. So they are

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DIRECT - TERRY LYNN KARL

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1 largely men out of uniform who are -- they may be accompanied
2 by men in uniform. They often wear masks, but not always,
3 particularly if they're operating in a part of the country
4 where people do not know them. They almost always are
5 carrying G-3 assault rifles. They often kill victims in front
6 of family members or other people so that people will
7 understand. They often threaten you first, and they are very
8 frightening marks that you get or death threats first. There
9 could be like a white hand on your door, you would come up to
10 your front door and there would be a white hand there, that
11 meant that Mano Blanca, the white hand death squad had marked
12 you. The Arch Bishop -- Arch Bishop Romero who was murdered
13 had numerous death threats, numerous death threats first
14 saying we're going to kill you, we're going to kill you, we're
15 going to kill you, we're going to kill you. And they just
16 consistently said you're a Marxist-Leninist, you're a
17 communist, we're going to kill you; and they did.

18 Q. Professor Karl, you have heard the testimony in this
19 case. How does the testimony of the plaintiffs, those
20 plaintiffs who had family members who were killed, how does
21 that fit into your understanding of the typical operation of

22 dead squads in El Salvador?
23 A. The murder of Ana Chavez' mother and the murder of
24 Francisco Calderon's father fit into the pattern that I have
25 just described. The people who killed them come in, they're

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1 in civilian clothes. Again, they may or may not be
2 accompanied by uniform people. They receive these targets
3 somewhere. In other words, there's an information apparatus
4 that comes out and says go kill you. It is not a random
5 killing, in other words, go kill this teacher, it comes out of
6 the military and security forces, masked or unmasked, as I
7 said, G-3 rifles, doing this in front of family members, and
8 even by the way, asking for money or robbing. That was also
9 part of the story of death squads. They would often take --
10 it was one of the reasons why we had trouble tracking
11 identifications because they would take the jewelry off of
12 people, they would take anything of value, so that is actually
13 a common practice too.

14 Q. Professor Karl, what were the links between the death
15 squads and the security forces?

16 A. The death squads came and were directed right out of
17 the security forces.

18 Q. Professor Karl, let me ask you to look back at
19 Exhibit 7, which is the state department memorandum from
20 Patricia Derian that you described just a moment ago, and let
21 me direct your attention, please, to paragraph three of that

22 memorandum, would you please read the first two sentences from
23 that cable or that report?
24 A. This is the cable we talked about earlier. Patricia
25 Derian is saying there is no doubt that last Thursday's

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1 killing of the FDR leadership was done by the security force.
2 Our embassy reports that the Maximiliano Martinez brigade
3 which took credit for the assassination is simply a phantom
4 front or pseudonym for elements of security forces. This is
5 the brigade I explained earlier that is one of the major death
6 squads in El Salvador and was named after the general who
7 ordered the 1932 massacre.
8 Q. Professor Karl, what significance does this report and
9 its findings have for your conclusions in this case?
10 A. I wonder if I could show the jury the chain of command.
11 Q. Yes, would you like the board or would you like --
12 A. No, I would like the board, please.
13 MR. ESQUIVEL: May I have the easel?
14 THE COURT: I tell you what, we are -- you have
15 got a long way, and we're going to take our lunch break
16 now. It will be until 2:00, we will come right at 2:00.
17 You get an hour and a half basically. Mr. Ruby is going
18 to make sure that since you are staying in the building
19 that you will have an escort so if somebody doesn't
20 recognize you, they will recognize Mr. Ruby. It shouldn't
21 be a problem at all. We will let y'all be excused, we
22 will see you at 2:00 o'clock. We will have the witness

23 come back at 2:00 o'clock, and that will allow us to move
24 the material around. Have a very pleasant lunch. Thank
25 you.

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1 THE CLERK: All rise. This Honorable Court
2 stands in recess until 2:00 o'clock.
3 (Lunch recess taken at 12:30 p.m. until 2:00)
4 THE COURT: We can have the witness come back
5 around.
6 Bring the jury in.
7 (Jury in at 2:00 p.m.)
8 THE COURT: All right. You may be seated. You
9 may proceed.
10 MR. ESQUIVEL: Thank you, Your Honor.
11 BY MR. ESQUIVEL:
12 Q. Professor Karl, before the break, we were talking about
13 death squads, and I would like for you to show the jurors on
14 the chart where death squads were located within the military
15 structure. And if you can, you will need to wear the
16 microphone.
17 A. This is the military chain of command. This is the
18 ministry of defense where the minister, who I said was Garcia,
19 was here, and the vice-minister, Colonel Carranza, is here.
20 This is the general staff of the armed forces. This is the
21 army, the Air Force, the Navy, the national guard, the
22 national police and the treasury police. This group here

23 is -- are what I call the security forces, what everybody
24 refers to as the security forces, and inside each one of these
25 entities is an organization that is called -- in the streets

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1 is often referred to as S-2. I think you heard it referred to
2 it as S-2 in the streets. In the streets, most of these
3 organizations are called S-2 or intelligence, because your
4 average Salvadoran didn't know the difference between these
5 different branches, so they would often refer to intelligence
6 as S-2.

7 Q. And what were those groups, Professor Karl, the S-2 and
8 the G-2?

9 A. Each one of these sections has an S-2 or G-2, G-3 here,
10 S-3 here. This is intelligence and operations. Intelligence
11 and operations. So that's the combination of intelligence,
12 which tells you who may be in the eyes of the military a
13 subversive, and then you have operations, which is where the
14 squads would work. So it is primarily between these two. Not
15 just these two. There are other groups in these others, but
16 in the period of time 1980, this is where the main operations
17 of the dead squads came from. In the national police, there
18 was an organization called CAIN, I think it was referred to
19 Cecilia Santos as CAINES. But it is actually an acronym and
20 it stands for the center for -- the National Center for
21 Analysis and Investigation.

22 Q. What did that group do, Professor Karl?

23 A. CAIN is a group inside the national police who was --

24 who took great pride in their ability to penetrate what they
25 considered the opposition, so anybody who -- and particularly

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1 the armed opposition, but also the unarmed opposition, so they
2 were very proud of their ability to get inside, perhaps put an
3 agent somewhere or something, and they were in some ways one
4 of the really elite centers of spying on all the opposition
5 groups.

6 MR. ESQUIVEL: Thank you, Professor Karl.?

7 Your Honor, may I approach the witness?

8 THE COURT: Certainly.

9 BY MR. ESQUIVEL:

10 Q. Professor Karl, I'm handing you a document that is
11 dated May 30th, 1984. Would you please tell me what this
12 document is?

13 A. Yes, this is a document that was published in the
14 Christian Science Monitor by Chris Hedges. He was one of the
15 most thorough and actually prestigious reporters in El
16 Salvador. He won a number of awards for his work in El
17 Salvador.

18 Q. What is the Christian Science Monitor?

19 A. Christian Science Monitor is a major newspaper in the
20 United States. It has some kind of affiliation with the
21 Christian Science movement, but it is quite loose, and it is
22 actually one of the most reliable and important newspapers
23 covering foreign affairs and has been for some time.

24 MR. FARGARSON: Excuse me, Your Honor, we
25 object, hearsay.

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1 MR. ESQUIVEL: Well, Your Honor, it is --

2 THE COURT: Well, we will talk about it briefly
3 at side bar.

4 (The following proceedings had at side-bar
5 bench.)

6 MR. ESQUIVEL: Your Honor --

7 THE COURT: I think this is one of the things
8 we talked about earlier, but I want to be sure. Not this
9 specific article, but what did you intend to use it for?

10 MR. ESQUIVEL: I intend to use, Your Honor --
11 first of all, it is an ancient document, it is a 1984
12 newspaper article, and so because it is more than 20 years
13 old --

14 THE COURT: You're right, it does fall into
15 that category.

16 MR. ESQUIVEL: It also contains quotes from
17 Colonel Carranza, and that is what I intend to use it for,
18 is on the second page, there are quotations which are
19 party omissions, and that's what I intend to ask Professor
20 Karl to read to the jury and to comment.

21 THE COURT: Okay. I just --

22 MR. FARGARSON: Well, the thing that -- the
23 thing that bothers me is unidentified sources cite that
24 he's involved in death squads. Unidentified sources, and

25 that's highly prejudicial to say unidentified sources.

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1 THE COURT: Okay.

2 MR. FARGARSON: It is just double hearsay.

3 THE COURT: The objection is to the specific
4 language which says is actively involved in death squad
5 activity, which is not a quote at the bottom of the first
6 page. I realize that it is over 20 years old. I suppose
7 the problem there is that everything else in the case is
8 over 20 years old, so we ought to have a little caution in
9 the area. I do agree it is within that exception. It
10 seems to me that if that is -- if that is the fundamental
11 objection, that perhaps what we should do is redact that
12 one phrase. And then it says Colonel Carranza said that
13 the concept of death squads have been distorted by the
14 International Press. I mean I think you can ask about
15 something. It's not really because he said it, I think it
16 is an ancient document, but I think when you refer back to
17 the particular allegation objective, there is a certain
18 amount of balancing that occurs, and perhaps -- since you
19 weren't introducing it for that purpose, but were
20 introducing it for the purpose of the quotes, and they
21 have requested that another portion of it be, in essence,
22 redacted, I don't see any problem in redacting it,
23 essentially at the request --

24 MR. ESQUIVEL: That's fine, Your Honor. We

25 didn't intend to rely on that, and it is fine to redact

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1 that part.

2 THE COURT: Are you going to mark it or do you
3 just want show it to her for her to consider?

4 MR. ESQUIVEL: I was going to mark it and
5 receive it into evidence, if we could redact her copy of
6 it.

7 THE COURT: Sure, that's fine. We will redact
8 this portion right here, and I think -- can we do that
9 with a black marker, will that do it? Or do we want to --

10 THE CLERK: We can probably do it with a black
11 marker on both sides or I could just recopy it, just that
12 last page.

13 THE COURT: We will allow that. It is not the
14 focus of your submittal of the information, and since the
15 defendant objects to it as unfairly prejudicial and the
16 plaintiff doesn't seek to introduce it, it is an
17 appropriate way to deal with that particular quote.

18 MR. FARGARSON: What about redacting this one
19 on page two, which is a statement in context of that same
20 thing, that same remark?

21 MR. ESQUIVEL: I'm sorry, I'm not sure what
22 statement.

23 THE COURT: That appears to be his statement,
24 is that correct?

25 MS. BLUM: Where are you looking?
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1 THE COURT: It is the second paragraph.

2 MR. ESQUIVEL: Yes, that's the continuation of
3 the quote from Colonel Carranza.

4 THE COURT: Well, that is part of her basis for
5 her opinion and -- what I'm doing is that I'm eliminating
6 the material as to which she does not seek to rely and as
7 to which the opposing party objects, it seems to be an
8 appropriate thing to do. You do seek to have that
9 submitted?

10 MR. ESQUIVEL: Yes, we do, Your Honor.

11 THE COURT: And it frankly is somewhat
12 different in any event. So this one quote, this one line
13 right here. You want to give me a marker? I will mark
14 one just so we have done it. I have got a black marker
15 right here.

16 THE CLERK: I have got a marker.

17 (The following proceedings were had in open
18 court.)

19 THE COURT: A small portion of the document is
20 redacted on a properly raised redaction, and other than
21 that, the document can be used.

22 MR. ESQUIVEL: Your Honor, at this time the
23 plaintiffs move this document into evidence as the next
24 marked exhibit, I believe it is Number 32.

25 THE COURT: Yes. So received.

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1 (Exhibit Number 32 was marked. Description:
2 Article.)
3 BY MR. ESQUIVEL:
4 Q. Professor Karl, let me direct your attention to the
5 second page of this newspaper article and a quote that appears
6 there.
7 A. Excuse me, the quote at the top of the second page?
8 Q. Yes. Now, this describes a quote from the Colonel.
9 Could you just tell the jury, please, and wait just a moment
10 while we get it up for the jury to see. The first two
11 paragraphs of the second page. Now, this article refers to a
12 quote from a colonel. Who is the Colonel that is being quoted
13 in this article, Professor Karl?
14 A. The colonel is Colonel Carranza.
15 Q. If you would read for the jury, please, the first two
16 paragraphs.
17 A. The first time the death squads appeared, the colonel
18 said, dressed in combat fatigues and outfitted with a 45
19 automatic pistol and a huge knife strapped to his hip, they
20 appeared in Brazil. Those in the death squads were police
21 officials who shot criminals, mostly thieves. There was no
22 law then and no way to put them in jail. Every time the
23 police arrested someone, they were set free, so crimes went
24 unpaid.
25 We too found that the justice system did not punish the

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1 terrorists here who attacked the population and so we had to
2 take measures on our own.

3 Q. Thank you, Professor Karl.

4 What significance does that have to your conclusions in
5 this case about death squads?

6 A. The history of the death squads in Latin America began
7 in Brazil, and they were originally used to attack people who
8 were against the military dictatorship of Brazil and later to
9 deal with common crime. In my view, that statement shows that
10 Colonel Carranza was aware of death squads. It also shows
11 that death squads were a measure to take matters in their own
12 hands, in other words, to go through any judicial process at
13 all, but to take matters into their own hands, which is what
14 death squads did.

15 Q. Professor Karl, let's talk about Colonel Carranza's
16 particular role in the Salvadoran military in 1980. What was
17 the importance of his role as the vice-minister of defense in
18 1980?

19 A. Well, as I said before, this was one of the two most
20 powerful positions in the country. He was working in a
21 partnership with Colonel Garcia, who was the minister of
22 defense. They had worked together for many, many years
23 previous to this, and they occupied the number one and number
24 two slot in the country in terms of political and military
25 power.

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1 MR. ESQUIVEL: Your Honor, may I have
2 permission to approach the witness, please?

3 THE COURT: You may.

4 BY MR. ESQUIVEL:

5 Q. Professor Karl, I have handed you a document that has
6 been -- that is dated December 14, 1980. What is this
7 document?

8 A. This is a document from The Washington Post in the
9 Sunday final edition of December 14th, 1980, and it is one
10 that is a representative document of the way Colonel Carranza
11 was described in the newspapers in 1980.

12 MR. ESQUIVEL: Your Honor, at this point the
13 plaintiffs move this document into evidence as Exhibit 33.

14 THE COURT: So received.

15 (Exhibit Number 33 was marked. Description:
16 Document.)

17 BY MR. ESQUIVEL:

18 Q. Professor Karl --

19 MR. BROOKE: Your Honor --

20 THE COURT: Well, let's once again talk about
21 it because we have to see if there is an issue in the
22 matter. We can talk about it briefly at side bar. Are we
23 going to have a series of these documents?

24 MR. ESQUIVEL: Your Honor, this, I believe, is
25 the last newspaper article. There will be government

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1 cables that we will introduce.

2 THE COURT: They do fall within the exception
3 you cited, I agree, but let's once again see the purpose
4 for which it is introduced.

5 (The following proceedings had at side-bar
6 bench.)

7 MR. ESQUIVEL: Your Honor, we intend to offer
8 this, and the only provision that I want to bring to
9 Professor Karl's attention is the last sentence on the
10 first page which is an observation that Colonel Carranza
11 had been in charge of the day-to-day operations of the
12 army and the security forces.

13 MR. FARGARSON: Well, again, that's hearsay.
14 It says source say, it's not Carranza saying anything. It
15 is somebody saying something about it, isn't it? It is
16 not a statement Carranza made.

17 MR. ESQUIVEL: But, Your Honor, I believe under
18 the ancient documents exception because of the age of the
19 article, it is admissible for the truth of the matter
20 asserted within this document.

21 THE COURT: Well, it's statements in a document
22 that exists 20 years and the authenticity of which is
23 established, so there's no question about the authenticity
24 of these documents, are from the time period and from the
25 Washington Post just as the one was from the Christian

1 Science Monitor.

2 MR. ESQUIVEL: That's correct Your Honor. And
3 it can be a subject of cross examination, I mean, as to
4 the issues that are surrounding it, but it is admissible
5 under that hearsay exception.

6 MR. FARGARSON: Well, how do you examine
7 sources said? How is she going to know who said something
8 like that? I mean it is --

9 MR. ESQUIVEL: But, Your Honor, this particular
10 representation or this particular fact is not attributed
11 to sources. It is a statement of fact as to what Colonel
12 Carranza's responsibilities were.

13 THE COURT: It says that he's being relieved of
14 his post.

15 MR. ESQUIVEL: He has been relieved of his post
16 shortly after this time, Your Honor. The sources say will
17 be relieved of his post.

18 THE COURT: I will allow this question. This
19 is -- and I'm going to explain to the jury that -- I think
20 it might be complicated that -- I mean I'm a little
21 concerned that they might not understand the reason that
22 it is being received. And if you receive it as an ancient
23 document, as an older piece of material, ancient, it is
24 not very ancient in our times, but we probably ought to
25 tell the jury that that is why it is received, so that

1 they don't give it different weight, but I won't tell them
2 unless you think I ought to. I mean sometimes you explain
3 to jurors why a document is received because it helps them
4 understand the degree to which -- I mean the reason that
5 it is received.

6 MR. BROOKE: If the article were written last
7 week --

8 THE COURT: Right.

9 MR. BROOKE: -- I take it that Your Honor would
10 not allow it to be permitted.

11 THE COURT: No.

12 MR. BROOKE: Just because of the age of the
13 publication, to elevate it to it is substantively correct,
14 I believe, is --

15 THE COURT: I'm not even sure --

16 MR. BROOKE: -- not the correct basis for --

17 THE COURT: Well, it shows is that there was
18 not an opportunity -- if it was more recent, it could be
19 manipulated or orchestrated, whereas if it is that long
20 ago -- for purposes of this case, it could be manipulated
21 or orchestrated. It really can't be done -- that can't
22 really be done for purposes of the case taking place in
23 2005 in a 1980 article. I mean nobody knows, so as
24 certain indicia of reliability, it allows it to be
25 received under the rule.

1 Well, I think maybe I better just let it come
2 in.

3 MR. FARGARSON: Are there any more like that we
4 can discuss so that we don't have to keep --

5 THE COURT: That is what I was asking. I was
6 told that this is the last article.

7 MR. ESQUIVEL: The -- I should check my notes
8 more fully carefully to be sure. I know that there is
9 another quote from Colonel Carranza from the Christian
10 Science Monitor that I intend to have Professor Karl read
11 later that's from the same article.

12 THE COURT: You can read the quotes, I'm going
13 to allow you to do that.

14 MR. ESQUIVEL: I don't believe there are any
15 newspapers articles that fit this statement or facts.

16 MR. FARGARSON: Okay. We except.

17 THE COURT: Certainly.

18 (The following proceedings were had in open
19 court.)

20 THE COURT: It will be received as Exhibit 33.

21 BY MR. ESQUIVEL:

22 Q. Professor Karl, let me direct your attention to the
23 last sentence on the third page from the Washington Post,
24 would you read that to the jury?

25 A. It says description of Colonel Carranza. He had been

1 in charge of day-to-day operations by the army and security
2 forces.

3 Q. And is that consistent with your understanding of what
4 Colonel Carranza's responsibilities were, that he was in
5 charge of the day-to-day operations by the army and the
6 security forces?

7 A. That's my understanding, that he was in charge on a
8 day-to-day basis to what happened in both the army and the
9 security forces.

10 MR. ESQUIVEL: Your Honor, may I approach the
11 witness?

12 THE COURT: You may.

13 BY MR. ESQUIVEL:

14 Q. Professor Karl, I have handed you a document that's
15 dated December 11, 1980. Would you please tell me what this
16 document is?

17 A. Yes, this is a document from the National Security
18 Counsel, it is a memorandum that was written for the head of
19 the National Security Counsel who at that point was
20 Mr. Brzesinski. It is from Robert Pastor who was the chief
21 National Security Counsel person for Latin American Affairs at
22 the time.

23 MR. ESQUIVEL: Your Honor, at this point, the
24 plaintiffs move into evidence this document as Exhibit
25 Number 34.

1 THE COURT: So received.

2 (Exhibit Number 34 was marked. Description:
3 Memorandum.)

4 BY MR. ESQUIVEL:

5 Q. Professor Karl, what does the National Security Counsel
6 do?

7 A. The National Security Counsel is the entity in the
8 United States government that prepares information for the
9 president of the United States.

10 Q. What is the type of information that they deal with or
11 prepare?

12 A. They look closely at any situations, particularly
13 crises that the United States finds itself in, and Central
14 America was certainly considered a crisis at the time, and
15 they make studies of the country and then recommendations to
16 the National Security Advisor who then subsequently makes
17 recommendations to the president of the United States about
18 what our foreign policies should be, whether it should change,
19 whether there is policies that we should do that we are not
20 doing, et cetera.

21 Q. Could I direct your attention, Professor Karl, to the
22 second page of this memorandum to the paragraph that begins
23 these are our general objectives? Could you please read for
24 the jury the next sentence in that paragraph?

25 A. Yes. It says more specifically, we need a dramatic and

1 tangible restructuring of the military high command, including
2 the dismissal of several of the leaders of the security
3 forces, e.g., Carranza or Moran who are most clearly
4 associated with the repressive right.

5 Q. Professor Karl, how does this cable, this information
6 affect your opinions or conclusions about Colonel Carranza's
7 role in the Salvadoran military?

8 A. It clearly identifies him as a hardliner, which is the
9 language I use as being in -- associated with the repression
10 of El Salvador, of being associated with elements of the
11 extremist right, and it calls for a dramatic and tangible
12 restructuring of the military high command. That is the top
13 four people, and Colonel Carranza is named specifically as one
14 of the people who needs to be removed from the military high
15 command if repression is to stop.

16 Q. Professor Karl, if you would, describe the relationship
17 between Colonel Carranza and Colonel Garcia, the minister of
18 defense?

19 A. Well, the language that was used in the United States
20 Embassy and particularly by the military attache is that they
21 were partners, that they were partners in running the military
22 and security forces. In the cables, you see that they're
23 considered to have different strengths, that Minister Garcia
24 is often out in the public realm giving more of the press
25 conferences and things like that, and vice-minister Carranza

1 is in the day-to-day operations, but they are seen very much
2 as partners, and there are cables which describe Colonel
3 Carranza as actually the real power, actually as someone who
4 has more standing and admiration and power inside the small
5 group of colonels that run -- that are part of the elite
6 structure of the military.

7 Q. Well, let's look at a couple of those cables now.

8 MR. ESQUIVEL: Your Honor, may I approach the
9 witness?

10 THE COURT: You may.

11 BY MR. ESQUIVEL:

12 Q. Professor Karl, I have handed you a document dated
13 July 22nd, 1980. It is an embassy telegram from Ambassador
14 White entitled Ambassador takes White in San Salvador. Have
15 you seen this document before?

16 A. Yes, I have.

17 Q. And what does this document describe?

18 A. This is a document -- I should say -- well, he's
19 referring to Ambassador Bowdler. He is, in fact, the
20 assistant secretary at the time of state, and he comes to San
21 Salvador in a moment of -- I'm sorry, I really can't read the
22 date on this.

23 Q. I believe it is July 22nd, 1980.

24 A. Right. He comes down to San Salvador to find out what
25 is actually going on in the country, and this is part of --

1 this describes those interactions. He meets with high
2 military officials. He has a meeting with Colonel Carranza.

3 MR. ESQUIVEL: Your Honor, the plaintiffs move
4 this document into evidence as Exhibit 35.

5 THE COURT: So received.

6 (Exhibit Number 35 was marked. Description:
7 Cable.)

8 MR. BROOKE: Do you have a more legible copy?

9 MR. ESQUIVEL: I'm sorry, this is the best copy
10 that we have of this.

11 THE COURT: It will be much more legible when
12 it is on the screen.

13 MR. ESQUIVEL: Yes, I believe it will be. I
14 hope.

15 BY MR. ESQUIVEL:

16 Q. Unfortunately, sometimes these cables are hard to read.
17 We have projected it on the screen. I think you can make it
18 out, but just in case, we have retyped the text of below it.
19 If you would, please, this is in paragraph five of this cable
20 and would you please read the portion of the cable beginning
21 with Majano stated?

22 A. Yes. This is just as an introduction, Majano is the
23 reformist I talked about, that is one of the two military
24 officers that was part of the junta, and I showed you a
25 picture of him. This is reporting to the department of state

1 a conversation, to the department of state to all the
2 Embassies involved, a conversation with Colonel Majano.
3 Colonel Majano, who is the reformist stated, and I'm reading,
4 that the real power in the country was exercised by Colonels
5 Garcia and Carranza and that it was idle to believe that they
6 could not put an end to the human rights abuses if they wanted
7 to do so.

8 Q. Is that consistent with your understanding of Colonel
9 Carranza's role in the Salvadoran military?

10 A. Yes, it is.

11 MR. ESQUIVEL: Your Honor, may I approach the
12 witness?

13 THE COURT: You may.

14 BY MR. ESQUIVEL:

15 Q. Professor Karl, I have handed a cable from Ambassador
16 White dated May 15, 1980. Have you seen this document before?

17 A. Yes, I have.

18 Q. And what is this document?

19 A. This is another department of state document, and these
20 documents again are circulated among the embassies in Central
21 America, Mexico as well and also between the embassy and the
22 department of state.

23 MR. ESQUIVEL: Your Honor, the plaintiffs move
24 to admit this document as Exhibit 36.

25 THE COURT: So received.

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1 (Exhibit Number 36 was marked. Description:
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2 Cable.)

3 BY MR. ESQUIVEL:

4 Q. Professor Karl, let me call your attention to this
5 second paragraph of this cable and ask you, please, to read
6 for the jury the portion of the cable that begins Duarte said
7 that.

8 A. This is a report of a conversation with Jose Napoleon
9 Duarte who is a member of the junta at this point and who is
10 the leader of the Christian democratic party, the fish party
11 that I talked about a lot earlier. Duarte said that he was
12 convinced now that Vice-minister of Defense Carranza had --
13 has important links with the extreme right and exercises the
14 real power in the high command. Duarte said that the minister
15 of defense Garcia is the public relations man and Colonel
16 Abdul Gutierrez will be the somewhat credible figure head in
17 the junta because of his leadership in the October 15th
18 overthrow and subsequent reform movement.

19 Q. Professor Karl, what does it mean that Vice-minister of
20 Defense Carranza exercises the real power in the high command
21 and that the Minister of Defense Garcia is the public
22 relations man?

23 A. It means as I was describing earlier that the minister
24 does more of the public functions. He is more of the
25 ceremonial functions. He also did certain things like the

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1 nationalization of the banks. He was involved in the

2 government and the running of the government, whereas as the
3 division of labor was Colonel Carranza in charge of the
4 day-to-day operations of the military and security forces, so
5 that's the way certainly I and many others have understood the
6 division of power between them, and that's the way the United
7 States is reporting that the Christian democrats see it as
8 well.

9 Q. Professor Karl, let me ask you to look at what has
10 previously been entered into evidence as Exhibit 11. Would
11 you remind the jurors, please, what Exhibit 11 is?

12 A. This is the organic law of national defense, and it was
13 discussed previously by Colonel Garcia from Argentina who was
14 a witness in this case.

15 Q. And let me ask you, please, to look at Article 26 of
16 that law. Do you see it?

17 A. Yes, I do.

18 Q. Colonel Garcia -- or Professor Garcia talked about the
19 meaning of this provision or he interpreted this provision as
20 a military person. As a political scientist, how do you read
21 Article 26 of the Salvadoran national defense Law?

22 A. Well, I would read it somewhat differently. As I said,
23 not differently from a legal perspective, but we look at it
24 from the point of view of power, not necessarily from the
25 point of view of law. That's the difference between us, and

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1 if you look at it from the point of view of power, this
2 article in particular gives Colonel Carranza tremendous power.

- 3 Q. I'm sorry, why do you say that?
- 4 A. Well, from the point of view of an organization of the
5 military organization, if you look at the last provision there
6 to propose appointments, removals, assignments, resignation
7 acceptances and awarding of leaves for functionaries and
8 employees of the armed forces. If you think of an
9 organization that you're going to work in for 30 years and
10 that you're -- which is the way officers work, they have a
11 30-year stint in the armed forces, and your appointments,
12 whether you get removed or not, your assignments, the plume
13 assignment, the poor assignments, the assignments that have no
14 power, the assignments that have tremendous power, all of
15 those things are going to be recommended by the vice-minister
16 of defense. And so if we're in an organization, I'm the
17 vice-minister of defense and your career future depends on the
18 recommendations that I give the minister, it means that you
19 actually have tremendous power inside the university -- excuse
20 me, the military itself.
- 21 Q. Are there any other provisions of this law that you
22 read as a political science -- as a political scientist
23 concerning the power of the vice-minister of defense?
- 24 A. Yes. There are other issues that are really important.
25 Take the second one in the middle, to coordinate the technical

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- 1 function of the general staff of the armed forces with each of
2 its different branches. In other words, you saw those

3 branches, the security forces, the national police, the army,
4 et cetera, this is the position that coordinates the technical
5 functions of any combined operations. Combined operations
6 means that let's say the army and the treasury police are in
7 the same operation or let's say you have two security forces
8 like the treasury police and another security force that was
9 involved in the taking and subsequent assassination of the six
10 FDR leaders, somebody has to coordinate that you have more
11 than one entity there. Somebody has to decide that it -- that
12 if the treasury police is going, they're going to take X
13 number of people, X number of trucks, X number of guns and the
14 national police, for example, would take something else.
15 Somebody has to decide who is going to stand outside and guard
16 the perimeter and who is going to go in and get somebody. In
17 those combined operations, that's part of the function of --
18 the major function of the vice-minister of defense.

19 Q. Thank you, Professor Karl.

20 I want to turn your attention now, Professor Karl, to
21 the hardliners in the military that you talked about. Did the
22 hardliners within the Salvadoran military adopt any particular
23 strategy or strategies in terms of what they did in 1980?

24 A. Yes, they did.

25 Q. And what were those?

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1 A. They had what I would call a three-point strategy. The
2 first was to consolidate power inside the ministry of defense.

3 Q. How did they do that, Professor Karl?

4 A. Well, I think the most important thing, if I could
5 either see the chain of command board or else the chain of
6 command again. The visual is fine too.

7 MR. ESQUIVEL: Mr. Gibson, could you put up the
8 slide? Thank you.

9 A. Now, remember up here that I'm pointing to now has some
10 civilians in it, in the commander in chief of the armed
11 forces, that's the junta now. So what becomes very important
12 is to make sure the most important functions of the armed
13 forces are now in the ministry of defense where you don't have
14 any civilian oversight at all, and what happens to increase
15 the power of the ministry of defense are really several
16 things. First of all, the secret files of the state,
17 something that we would think of as the secret FBI and CIA
18 files, and they don't have that division in El Salvador, all
19 of the secret files of the state are moved at this time, and
20 they are moved from the presidential entity palace and entity
21 into the ministry of defense, so all the secret files of the
22 state are moved into the ministry of defense.

23 Q. When does that happen, Professor Karl?

24 A. That happens in the first two or three days after the
25 October 15th coup, and so that means that right away somebody

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1 is planning on protecting -- and remember these files are the
2 ways that people identify who they think as subversives, who
3 they think of as the opposition, as the civil rights leaders,

4 whatever, and all those files are moved within the first two
5 or three days by Major Roberto D'Abuissou who later becomes
6 the political head of the extreme right and they are moved
7 into the ministry -- first, they're moved into the ministry of
8 defense.

9 Q. You mentioned that there was several ways that the
10 ministry of defense consolidated power, what is another way
11 that that happened?

12 A. It strengthened the intelligence apparatus inside the
13 ministry in several new ways. It formed new intelligence
14 groups, that's when the CAIN, which I have talked about was
15 formed. That's when the telecommunications system was moved
16 into the ministry of defense, so this is the state enterprise,
17 that means it is owned by the state, but the whole ANTEL
18 telecommunications apparatus is also moved inside the ministry
19 of defense, so we have the whole intelligence apparatus moved
20 into the ministry of defense.

21 Q. Are there other ways that the ministry of defense was
22 threatened during that time?

23 A. It brought in also many of the most important state
24 enterprises into the ministry of defense as well, so it had
25 more opportunities to appoint people to positions inside the

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1 government.

2 Q. Now, Professor Karl, you said there was a three-part
3 strategy of the hardliners, and you have talked about the
4 first part. What is the second part of the hardliner

5 strategy?

6 A. The second part is to marginalize the reformist
7 officers. This is the second thing that becomes crucial to
8 do. And if you remember, I said there were two military men
9 in the junta. One is a reformist and one allies with the
10 hardliners, so the problem becomes how to get rid of a
11 reformist military officer and reformist military officers at
12 the top of the chain of command. I wonder if I could have
13 that slide again.

14 Q. The chain of command slide?

15 A. Yes. Thank you. In other words, right here is the
16 junta. In that junta, we have two military officers. One is
17 a reformist and his name is Majano. The other has allied
18 himself with the hardliners and his name is Gutierrez. The
19 problem becomes getting Majano, the reformist, out of any
20 position of major authority.

21 Q. And what happened in that divide, the attempt to get
22 rid of Majano?

23 A. There's an actual campaign against him, and it involves
24 going into the military barracks and painting him with the
25 same brush that the Arch Bishop that eventually Ambassador

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1 White and others are painted, and that is by saying that
2 Colonel Majano is a communist or allied with the communist.
3 It is the whole paint of brush that anybody who stands for a
4 transition to democracy or anybody who stands for civilian

5 control of the military or anybody who stands for a more just
6 society, rights, et cetera, is, in fact, a communist, and so
7 there is a campaign against Colonel Majano in all of the
8 barracks -- not all of the barracks, but in most of the
9 barracks. The campaign is run by Major D'Abuissou who is
10 referred to as a cashiered military officer. Now, he's the
11 major who has moved all the files, and he's -- he was Colonel
12 Carranza's student. They had a close relationship.

13 Q. Now, Professor Karl, you used the cashiered military
14 officer, what does that mean?

15 A. That means that he's supposedly out of the military
16 when this is happening. In fact, he still was receiving a
17 military salary.

18 Q. What did Major D'Abuissou or others do?

19 A. What happened is -- and again the whole focus is to get
20 the reformist military officers out of any positions of power,
21 to marginalize them in some way. And what happens is that in
22 May of 1980, there is an arrest at a farm called San Luis
23 Finca. This is a farm in which a group of 24 men were
24 meeting. They included 12 military officers and 12 civilians.
25 They were meeting, and the documents that they were arrested

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1 with show -- and I have read and reviewed all of these
2 documents -- that they were planning a coup in the country and
3 some type of conspiratorial actions. The papers show that
4 they were bribing military officers, that they were buying
5 weapons, that they were buying high velocity rifles, that they

6 were buying rifles with silencers, night vision scopes,
7 telescopic sights, hand grenades, ski masks, bulletproof vests
8 and false license plates. So, in other words, this is a way
9 to carry out some of the actions of death squads if you want
10 to try to cover up who is doing what.

11 Q. And how was this group captured? I mean what happened
12 at the San Luis farm?

13 A. This group was captured because someone tipped Colonel
14 Majano, the reformist, that this was occurring. They moved in
15 very quickly, and they arrested Roberto D'Abuisson, the major
16 with all of these people and with a set of documents. The
17 documents included a large document with a drawing of the
18 death squad apparatus inside El Salvador, and how the death
19 squad apparatus got names through the intelligence agency.
20 The documents included a document that was called -- I'm
21 translating from the Spanish -- how to conduct a military
22 coup. And in that document there are a list of desirable
23 people who you want to be in a hardline government, and
24 Colonel Carranza is on that list. The documents include a
25 speech that is supposed to be given when the hardliners take

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1 over that call Ambassador White a communist and say that he is
2 trying to turn El Salvador, and I'm quoting, into a quote new
3 Cuban paradise. It includes documents that show the payments
4 for the murder of Arch Bishop Romero. The 24 people are
5 arrested. After they are arrested, two of them, and

6 particularly a man named Lopez-Ciprian cries. He's a military
7 officer, he cries and he confesses to running a kidnapping for
8 profit ring outside of -- inside the national guard, inside
9 the intelligence agencies, the S-2 of the -- it is actually
10 the G-2 of the national guard.

11 Q. Now, Professor Karl, what happens to those who were
12 captured in this raid at the San Luis farm?

13 A. Well, given this tremendous evidence of death squads,
14 leaks to the military, all of these clandestine things, these
15 payments, these payments for the Arch Bishop's murder, et
16 cetera, what the embassy clearly expected to happen was that
17 Major D'Abuissou and the other people arrested would face some
18 kind of action inside the military. In other words, when
19 you're caught with all this kind of stuff, they should face
20 some kind of discipline, but that's not what happened. They
21 were released, and released the next day. And instead the
22 campaign to get rid of the reformist Majano came to a head.

23 Q. And what happened then, Professor Karl?

24 A. The high command called together the chief colonels in
25 the country, the chief military officers, and they had a vote

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1 about who only the officers know, and only the high ranking
2 officers, about who would be supported in the junta. Colonel
3 Gutierrez who was allying himself with the hardliners or
4 Colonel Majano. They removed Colonel Majano from command.
5 They released all of the conspirators who were caught in San
6 Luis Finca, and then later, in September, the ministry of

7 defense with the recommendations of Colonel Carranza and the
8 order of Colonel Garcia passed what was called General Law
9 number 10. That law was a set of new military assignments.
10 That was the power of the vice-minister of defense to decide
11 who got to go where, and in that law, all -- almost all of the
12 reformers in the military were marginalized into insignificant
13 positions. Colonel Majano lost his command, and from that
14 point on, the reformists were finished as a political force
15 inside the military as any kind of force. They were
16 completely marginalized and there was really no significant
17 countervailing force from reformers inside the military after
18 that.

19 Q. Now, Professor Karl, let's go back to your -- the three
20 strategies of the hardliners, we have talked about the first
21 two. Now, let's talk about the third strategy, and that is to
22 repress opposition to military rule. Could you please
23 describe what you mean by that?

24 A. What happens in this period of time is that repression
25 has started immediately -- it has continued immediately with

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1 the 1979 October coup, but it basically just takes off in
2 1980, and I wonder if I could show a time line.

3 Q. Yes. Have you had a time line prepared under your
4 direction for use in this case?

5 A. Yes, I have.

6 THE COURT: This is going to take a little

carranza06 Karl direct.txt
7 time, this portion of the discussion?
8 MR. ESQUIVEL: Yes, Your Honor.
9 THE COURT: Why don't we have Mr. Mussleman
10 come up so counsel won't have to move around so much.
11 MR. ESQUIVEL: Okay. Is the jury able to read
12 this?
13 THE JURY: Yes.
14 MR. ESQUIVEL: May I move it closer to the
15 jury?
16 THE WITNESS: Do we have it on a slide?
17 THE COURT: If we put it on the computer, it
18 will be a lot easier for all of us. I know lawyers like
19 posters, but we can see the other better.
20 MR. ESQUIVEL: Less likely to have
21 technological failure with the big board.
22 THE COURT: I understand. But it helps also
23 the other side to be able to see it.
24 MR. ESQUIVEL: Absolutely, Your Honor.
25 THE COURT: They can put it on the camera and

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1 make it any size we need.
2 THE WITNESS: I'm not sure the slide is the
3 same as the board.
4 MR. ESQUIVEL: Your Honor, on the computer, the
5 entire time line can't appear at the same time.
6 THE COURT: Well, we probably are not going to
7 talk about the whole thing at the same time, are we?

8 MR. ESQUIVEL: All right. Then we will start
9 at the beginning and scroll across.
10 THE COURT: The panel can see this better.
11 BY MR. ESQUIVEL:
12 Q. Professor Karl, could you please describe generally for
13 the jury what is contained on this time line?
14 A. I am trying to simplify a very complicated history that
15 it usually takes me an entire quarter to teach my students, so
16 I have put what I consider to be very key events in El
17 Salvador between October of 1979 -- and I actually can't tell
18 the end of this time just yet.
19 Q. Well, Professor Karl, if you would, please begin with
20 the first date, identify for the jury what you have identified
21 on the time line and its importance for this case in this time
22 period.
23 A. In October of '79, which is right here, right there, is
24 when the coup, the young officers coup occurs and when
25 reformist military officers think they're going, in fact, to

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1 be able to transition to a democracy in El Salvador. In
2 January -- January 3rd of 1980, that junta, the young officers
3 who invited two military officers and three civilians into the
4 government, the three civilians quit right here, charging that
5 there is no way for them to control the level of violence in
6 the country that the -- they charge that the army will not
7 respond to any civilian authority and they say that

8 particularly the ministry of defense will not respond to any
9 civilian authority. In -- I'm sorry, I was expecting to use
10 the board, and I do see an error here on this.

11 Q. What is the error?

12 A. The error is February 1980, formation of FDR, that
13 should be April.

14 Q. That should be April, 1980, that is consistent with
15 what you said previously at the board?

16 A. Yes.

17 THE COURT: If you need to mark the board, we
18 can ultimately make it an exhibit, but it is so long.

19 A. No, that's all right. I would like to change -- I
20 think it is correct on the board, I didn't plan on using this
21 slide, so I didn't catch that. In March -- in February,
22 excuse me, in February, the attorney general --

23 THE COURT: You can actually circle that, and
24 they can print it and then you can substitute that.

25 THE WITNESS: Oh, I see. Okay.

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1 THE COURT: They will print it for you. What
2 date should that be?

3 BY MR. ESQUIVEL:

4 Q. Is that the correct date for the assassination of the
5 Attorney General Zamora?

6 A. Yes.

7 Q. And what was the assassination of Attorney General
8 Zamora?

9 A. Attorney General Zamora, Mario Zamora was insisting
10 that the repression end and was actually beginning to prepare
11 cases against the members of the security forces. A death
12 squad came into his house and assassinated him on his
13 birthday. He was found in his bathroom.

14 Q. And what is the significance of the next date?

15 A. The next date is the murder of Arch Bishop Romero.
16 This is here. He is assassinated while he's saying mass in a
17 small church. He is assassinated by a death squad that
18 includes Captain Zarobia from the armed forces and other armed
19 force representatives. The very important thing about Arch
20 Bishop Romero's assassination from the point of view of the --
21 well, there are many things about that assassination, but the
22 day before he was murdered, Arch Bishop Romero in his Sunday
23 homily said in a very anguished tone, and his words, by the
24 way, went all over the country. The Arch Bishop had radios
25 all over the country, and since he was considered such an

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1 important person in the country, people would gather around
2 the radio and listen to him since his words were very, very
3 important. He was the only person who would list names and
4 dates of assassinations, who had the courage to say we found
5 these people, we found these bodies, we found -- the day
6 before his assassination, he gave a homily in which he said in
7 a very anguished tone to the military, I beg you, I plead with
8 you, I order you in the name of God to stop the repression.

9 And then he went on to say, soldiers, do not obey the orders
10 of your officers to kill. He himself was assassinated the
11 next day.

12 Q. Then -- go ahead, Professor Karl. The next date on
13 your time line is May 7, 1980?

14 A. Right.

15 Q. It makes reference to coup plotters, is that the
16 episode that we discussed a few minutes ago?

17 A. I wonder if we could move the slide a little bit more,
18 is that possible? Yes, thank you. Even a little bit more.
19 Thank you. Just right there. So after the Arch Bishop is
20 assassinated, soon the formation of the FDR, the group that
21 Manuel Franco, Erlindo Franco's husband was part of in April,
22 and in that April formation of the FDR, which unified all
23 civil rights and socioeconomic organizations of the
24 opposition, they actually were unified because the Arch Bishop
25 was murdered. It was his murder that brought everybody

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1 together into the FDR. On May 7th, the coup plotters,
2 including Major D'Abuissou are arrested at San Luis Finca. I
3 had just explained that, and that is really the moment where
4 the reformists are marginalized.

5 What happens after that -- and there is no way I could
6 put all of these on a time line -- are a series of massacres.
7 The one that I personally investigated was The Rio Sumpul, the
8 Sumpul River massacre by security forces in the army. On
9 May 14th, 1980 --

10 Q. What did you do to investigate that?

11 A. Well, I went actually quite a bit later. The military
12 generally denied that any of these massacres took place. They
13 always said it didn't happen, it didn't happen or it was the
14 guerillas. And the issue of who was killing who was a very
15 important issue. I actually went to the Rio Sumpul area, and
16 I interviewed fishermen who reported bodies that got caught up
17 in their fishing nets. As people would dive in the river,
18 they were trying to cross the river, and about 600 people were
19 murdered is the estimate that we have again. It is an
20 estimate only. And I went in actually 198 -- I don't remember
21 the date I went to check on the Rio Sumpul massacre and to
22 interview people who had said that they actually found bodies
23 and recorded their testimonies.

24 Q. And could you describe for the jury what was the type
25 of operation or what is it that happened at the Sumpul River

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1 to lead to all those deaths?

2 A. The Rio Sumpul massacre was a massacre that was a
3 combined operation, that is it included the security forces,
4 members of the security forces, but it also included the army,
5 so it meant that there had to be some kind of collaboration
6 between different forces, and that was the responsibility of
7 the vice-minister of defense.

8 Q. The next event on your time line is the Mogotes
9 massacre?

10 A. That's right.
11 Q. What was that, Professor Karl?
12 A. The Mogotes massacre -- and there are others that are
13 not on here, I want to emphasize that I don't have the
14 massacre of the National University -- which was one that was
15 extremely -- it created a huge impact inside San Salvador in
16 part because 50 students and educators were killed in the
17 National University, but also because there's a videotape that
18 eventually was shown on the BBC in England of a 15 year-old
19 student, I have seen this videotape over and over being
20 ordered to lie down by the security forces. He's a 15-year
21 old. He's ordered to lie down, and they just stand over him
22 and shoot him in the head. That was the National University
23 massacre. There's also other massacres that I could name. I
24 put the Mogotes massacre -- this was 31 people who were
25 murdered, 15 of them were children under the age of 10 and one

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1 was a 15-year -- excuse me, a 15-day old baby.
2 Q. And who was responsible for that massacre?
3 A. All of these massacres had been attributed to the
4 military and security forces.
5 This is also the period of time, so you can see where
6 the murders start of the plaintiffs in these cases. On
7 July 26, Ana Patricia Chavez' family is murdered. On
8 September 11, Francisco Calderon's father is murder. On
9 September 25th, Cecilia Santos is abducted and tortured in the
10 national police headquarters. And then on November 27th,

11 1980, the FDR leaders are murdered, including Manuel Franco.

12 In this period of time, stopping, I guess, to finish,
13 the FDR are murdered in November, 27th, and then in early
14 December, four American church women are murdered -- are raped
15 and murdered. That means by the end of December of 1980, we
16 estimate again that somewhere 9 and 12,000 people have been
17 murdered, civilians. When I say people, I'm not referring to
18 any death tolls in the military or in the guerilla opposition,
19 I'm only talking about civilians.

20 Q. Earlier, you mentioned the United Nations Truth
21 Commission. Did the United Nations Truth Commission make
22 findings about the murder of the leaders of the FDR?

23 A. Yes, they did.

24 Q. Professor Karl, if you would look at the Truth
25 Commission, which is -- I have it, actually.

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1 A. Good.

2 Q. It has been marked as Exhibit 28. And if you would
3 please turn to the page that is marked PL 0073. I will put it
4 here on the projector. Does this contain the findings of the
5 Truth Commission about the FDR killings?

6 A. Yes, it does. I should say that first there is a
7 description prior to this of the events of the FDR murder, and
8 that description talks about what happened on the day of the
9 FDR killings. It describes the FDR leaders being taken out of
10 the Jesuit high school. It notes that this murder happens at

11 exactly this time that the civilian foreign minister of El
12 Salvador, who is a Christian democrat, is in the Organization
13 of American States, he's outside of the country, he's meeting
14 in the Organization of American States trying to negotiate a
15 peaceful settlement to the problem in El Salvador, and it
16 notes that specifically because it finds that this is a
17 message, in other words, that there will be no peaceful
18 settlement. It describes how the murders took place, where
19 the bodies were found. It describes the same place that
20 Erlindo Franco talked about. It describes the activities of
21 the justice of the peace with the bodies, and it also says
22 that no investigation occurs of this, and that these are the
23 full findings of the Truth Commission.
24 Q. And what is the first finding of the Truth Commission
25 about the killing of the leaders of the FDR?

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1 A. The first finding is the abduction, torture and
2 subsequent murder of the political and trade union leaders was
3 an act that outraged national and international opinion and
4 closed the door to any possibility of a negotiated solution to
5 the political crisis at the end of 1980. It was a very
6 serious act which warranted the most thorough investigation by
7 the commission on the truth. Commission on the truth, by the
8 way, is what I called the Truth Commission. May I just say
9 one thing about that finding?
10 Q. Certainly.
11 A. It's very important that the FDR leaders were -- when

12 they were meeting trying to talk about how to negotiate a
13 solution to this terrible repression that was going on. They
14 were meeting about how to bargain with the army at the time
15 that they were pulled out and assassinated, so the foreign
16 minister is out of the country trying to get international
17 support help in the repression and to negotiate some kind of
18 solution to this, and the FDR leaders, including Manuel
19 Franco, Erlinda's husband, are inside the country trying to
20 talk about how to negotiate a peaceful settlement on what
21 would become a terrible civil war.

22 Q. What is the second finding of the Truth Commission
23 about the FDR killings?

24 A. It is not possible to determine precisely which public
25 security force carried out these criminal operations.

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1 Nevertheless, the commission considers that there is
2 sufficient evidence to indicate that state bodies were jointly
3 responsible for this incident which violated international
4 human rights law.

5 Q. And is that consistent with your understanding of who
6 was responsible for these killings?

7 A. Yes.

8 Q. What was the third finding of the Truth Commission
9 about the FDR killings?

10 A. The commission has substantial evidence that the
11 treasury police carried out the external security operation

12 which aided and abetted those who committed the murders.

13 Q. And when the members of the Truth Commission used the
14 term substantial evidence, what does that refer to?

15 A. That means in the language we would use, since Tom --
16 Professor Buergenthal was the -- Charles Buergenthal was one
17 of the commissioners of the Truth Commission, they set up
18 standards of proof, again, that are very high. So when they
19 say substantial evidence, that means the preponderance of
20 evidence shows, that's what they mean. The preponderance of
21 evidence shows that the treasury police carried out the
22 external security operation.

23 Q. And what is the fourth and final finding of the Truth
24 Commission on the FDR killings?

25 A. There has been an obvious lack of interest in ordering

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1 an exhaustive investigation by an independent state organ to
2 clarify the facts, find out who was responsible and bring
3 those responsible to justice.

4 Q. And is that finding consistent with your understanding
5 about what happened in El Salvador and what investigation may
6 or may not have taken place?

7 A. Yes.

8 Q. Now, Professor Karl, at some point in late 1980, early
9 1981, was Colonel Carranza removed from power as the
10 vice-minister of defense?

11 A. Yes, he was.

12 Q. And based on your research and your analysis, why was
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13 Colonel Carranza removed in 1981?

14 A. I think first of all there were a series of discussions
15 that Ambassador White talked about in which the -- and there
16 are a series of cables reporting this -- that the military and
17 security forces were pleased with the murder of the FDR.
18 There have been some cables submitted in evidence that show
19 that. There was a cable put in evidence as well that
20 indicated that Colonel Carranza shared their sentiments. In
21 other words, that he was also pleased, according to the
22 declassified documents. The murder of the FDR leaders,
23 combined with the murder of four American religious women,
24 caused a crisis in the United States over what appropriate
25 policy should be towards El Salvador, and in particular there

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1 was a very strong push to get -- push out of the military the
2 most apparent leaders of the extremist right; in other words,
3 to move against people who were expressing their support for
4 these kinds of actions. And at that time, there was a move by
5 the Christian democratic party who simply stated very clearly
6 that they would not stay in alliance with the military, they
7 would not work with the military unless something was done
8 about extremism. The United States also said we must do
9 something about this right wing extremism that is resulting in
10 these murders.

11 Q. And how did Colonel Carranza fit into those discussions
12 or those demands?

13 A. He had been identified as a member of the extreme -- as
14 a sympathizer of the extreme right, as a hardliner, he was
15 someone who never hid those feelings and opinions, and he was
16 quite open, particularly in his conversations with the
17 military attaches at the time about his sharing the views of
18 the hardline officers, so he was immediately identified as a
19 hardliner, as an extremist and as a major leader. Remember,
20 he has the number two position in the country, and he is
21 saying I support -- you know, I share this -- these sentiments
22 and so it is quite obvious since he is saying this, since he
23 is known as a hardliner, since he's really number two and he's
24 the highest ranking official making these kinds of statements,
25 that if you're going to do something about this kind of

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1 terror, he is someone you must do something about.

2 MR. ESQUIVEL: Your Honor, may I have
3 permission to approach the witness?

4 THE COURT: You may.

5 BY MR. ESQUIVEL:

6 Q. Professor Karl, I've handed you a document that is an
7 embassy cable dated May 9, 1980. It is entitled JRG faces
8 worst crisis yet. Have you seen this document before?

9 A. Yes, I have.

10 Q. And what is it?

11 A. JRG are the initials that refer to the junta, so when
12 you see JRG, it means this military civilian junta. It has
13 changed several times. The civilians keep resigning because

14 of the repression, but it is still a military civilian junta.
15 This is a cable describing the crisis that comes in this
16 period of time with the murders of the FDR leaders and the
17 murders of the nuns.

18 Q. Now --

19 MR. ESQUIVEL: Well, Your Honor, the plaintiffs
20 move this exhibit into evidence as Number 37.

21 MR. BROOKE: What is the date of this? You
22 said 1980?

23 MR. ESQUIVEL: I believe it is dated May 9,
24 1980.

25 THE COURT: So received.

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1 (Exhibit Number 37 was marked. Description:
2 Telegram.)

3 THE WITNESS: I'm sorry, I have an October date
4 here, I believe. Oh, no, you're right, it is May, excuse
5 me, I mis -- I misread the date. JRG faces worst crisis
6 yet.

7 BY MR. ESQUIVEL:

8 Q. What is the crisis that they were facing?

9 A. The crisis is the crisis of the San Luis Finca arrest.
10 This is the arrest where all the conspirators at San Luis
11 Finca in which Colonel Majano, the reformist, comes and
12 arrests D'Abuissou is a leader of the extreme right, and you
13 have a face-off between the reformists and the hardliners in

14 the military.
15 Q. Professor Karl, let me direct your attention to the
16 last page of this cable, and it is the first full paragraph on
17 that page. It begins the course to be taken.
18 A. Do we have a -- where it will come up on the screen?
19 Q. Do you see that passage?
20 A. Yes.
21 Q. Would you please read that passage for the jury?
22 A. Yes. So in the midst of this extremely tense moment
23 between the reformists and the hardliners, it says: The
24 course to be taken with regard to Minister of Defense Colonel
25 Garcia, and Vice-minister of Defense Colonel Carranza is less

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1 clear. As we understand it, the case against Colonel Carranza
2 is much stronger, and the ability of the JRG, that is the
3 junta, to move against him is greater. Moreover, some action
4 to counter extreme right influence at the upper levels of the
5 armed forces is a necessary corollary of actions against those
6 directly involved at lower levels. Accordingly, if the JRG
7 concludes that it should at least transfer Carranza out of the
8 country, we would support such a move.

9 Q. Is that representative of what you understand the
10 policy of the United States to be at that particular time?

11 A. Yes.

12 Q. And why was that? Why was that the U. S. policy?

13 A. I think Ambassador White explained clearly that he and
14 the embassy in general were extremely concerned by state

15 terror, by terror operating out of the security forces and out
16 of the military. And Ambassador White and the other people in
17 the U. S. government at the time felt that it was extremely
18 important to curb this violence. That sense of urgency only
19 grows. This is in May, but when you have more and more and
20 more and more victims, and then the year closes with the
21 murder of American nuns, it is really even more urgent, if I
22 can put it that way, from a policy perspective.

23 Q. Was Colonel Carranza eventually removed from the
24 vice-minister of defense?

25 A. Yes, he was.

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1 Q. And where was he assigned after that position?

2 A. It took some doing to remove him. He was a very, very
3 powerful man, and the pressures to remove him were great, but
4 he -- he also had very strong allies inside the Salvadoran
5 military, and so there are cables talking about how important
6 it is to remove him, but they can't get the military to remove
7 him because he has so much power inside the Armed Forces.
8 Eventually, however, he is removed and he is sent to ANTEL.
9 Now, ANTEL is the telecommunications --

10 THE COURT: I think we better take our break.
11 Some people have asked for a restroom break. We will come
12 back with Colonel Carranza's situation. We will take a
13 15-minute break. We will take our afternoon break. We
14 will see you in 15 minutes. Thank you very much.

carranza06 Karl direct.txt
15 THE CLERK: All rise. This Honorable Court
16 stands in recess.
17 (Recess taken at 3:30 until 3:45 p.m.)
18 THE COURT: All right. Bring the panel in.
19 Bring the witness around.
20 (Jury in at 3:45 p.m.)
21 THE COURT: All right. You may be seated.
22 Counsel may proceed.
23 MR. ESQUIVEL: Thank you, Your Honor.
24 BY MR. ESQUIVEL:
25 Q. Professor Karl, before we took our break, we were

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1 talking about Colonel Carranza's transfer to ANTEL. What was
2 his role at ANTEL?
3 A. He was transferred to be the head of ANTEL, which is
4 actually a quite prestigious position and an important
5 position in El Salvador. That is the telecommunication system
6 that I described earlier, so he is still inside the military.
7 Telecommunications belongs to the ministry of defense, and
8 he's the president of ANTEL.
9 Q. And after he served as president of ANTEL, what was his
10 next role?
11 A. His next role is head of what is call CEL, C-E-L, and
12 that is the electrical power of El Salvador.
13 Q. And after he was in CEL, then where was Colonel
14 Carranza transferred next?
15 A. In 1983, he was appointed director of the treasury

16 police.

17 Q. And how was that appointment made?

18 A. A little -- I need to give just a little bit of
19 background. In the middle of 1983, there was still an ongoing
20 push by the United States to insist that human rights abuses
21 be curbed and human rights abuses were continuing at a very,
22 very high level in El Salvador in 1983. There was a change in
23 the minister of defense. The new minister is a man -- was a
24 man named Vides Casanova, and Vides in the eyes -- Colonel
25 Vides, in the eyes of the United States, they believed he was

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1 going to try to reform the armed forces. The first thing that
2 Vides did was he put very important hardliners in positions of
3 power back in -- continuing in the military and security
4 forces, and that really was extremely upsetting -- you can see
5 the cable traffic between the embassy and the state department
6 because Vides is giving a great deal of power to hardliners,
7 including the return of Colonel Carranza, which was considered
8 a sign that the hardline not only could not be kept out of the
9 military, but was going to continuously be in positions of
10 power.

11 Q. At this point, when Colonel Carranza assumes -- to
12 become the director of the treasury police, what is the
13 reputation of the treasury police for human rights abuses?

14 A. The treasury police is something that we don't have in
15 the United States, we don't have anything like a treasury

16 police, but it is actually quite a small police force, and it
17 has the reputation of being the center of death squad
18 activity, of being -- of having, and I'm actually quoting from
19 newspapers here, a long record of brutality, out of control,
20 lawless, ruthless, there is all these phrases that are
21 consistently used to describe the treasury police.

22 MR. ESQUIVEL: Your Honor, may I approach the
23 witness?

24 THE COURT: You may.

25 BY MR. ESQUIVEL:

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1 Q. Professor Karl, I've handed you a document. It is
2 dated March 27th, 1983, and it is entitled conversations with
3 treasury police Director. Have you seen this document before?

4 A. Yes, I have.

5 Q. What is this document?

6 A. It is a document that is extremely difficult to read, I
7 might add, and it is a conversation with the man who is the
8 predecessor to Colonel Carranza. Francisco Moran was the name
9 of the treasury police director prior to Colonel Carranza, and
10 this is a conversation with him.

11 MR. ESQUIVEL: Your Honor, the plaintiffs move
12 the admission of this document into evidence as the next
13 marked exhibit.

14 THE COURT: 38, so received.

15 (Exhibit Number 38 was marked. Description:
16 Telegram.)

17 BY MR. ESQUIVEL:

18 Q. Professor Karl, let me direct your attention to the
19 final paragraph of this cable, the comment, and it is very
20 hard to read, but if you could, please, read for the jury the
21 final sentence in the comment section of this cable.

22 A. They're speaking of Colonel Moran in this, and they say
23 his desire for a very large visa favor could translate into
24 some leverage over the director of what is generally
25 considered to be the badest of El Salvador's security forces.

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1 Q. And what do you understand the term badest of El
2 Salvador security forces to mean?

3 A. That it simply had the worst reputation, although I
4 must say it was a close call to see who had the worst
5 reputation most of the time. The treasury police had the
6 worst reputation because secrets cells had been discovered in
7 the treasury police in 1978, and that had -- these were secret
8 cells that were discovered during an investigation of torture
9 in El Salvador, and they found cells in the treasury police
10 that were approximately one meter by one meter, that's
11 extremely small, and signs that these were torture cells, so
12 that reputation held.

13 Q. Professor Karl, was Colonel Carranza -- what evidence
14 have you seen from your research that Colonel Carranza was
15 aware of the reputation and the abuses of the treasury police
16 when he became the director?

17 A. Well, first of all, I think it would have been very
18 hard not to be aware of that reputation, but, specifically,
19 there are people bringing the awareness directly to Colonel
20 Carranza. In other words, there are people putting him on
21 notice.

22 Q. Who are those people?

23 A. The first important person is Ambassador Hinton.
24 Ambassador Hinton is the ambassador appointed by Ronald Reagan
25 to succeed Ambassador White. And Ambassador Hinton has

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1 private conversations with Colonel Carranza on two occasions.
2 One of them is a conversation that the ambassador reports
3 lasts over an hour at the residence of a reception that was
4 held by the defense attache of the U. S. Embassy, and this is
5 immediately upon learning that Colonel Carranza is going to be
6 appointed director of the treasury police. So there is a
7 conversation that goes on between Colonel Carranza and
8 Ambassador Hinton.

9 Q. And where does this information come from, how do you
10 know about this conversation?

11 A. These are in the declassified cables.

12 Q. What is it that Ambassador Hinton relates to Colonel
13 Carranza about the treasury police?

14 A. It is a very specific cable. It says that Colonel
15 Carranza is put on notice, and that's actually the language
16 that they use, that the ambassador outlines, and he said --
17 and the cable reports in the most specific and urgent terms,

18 the damage that the treasury police has done and they insist,
19 the embassy insists in its reports that there can be no
20 further abuses of authority, that the treasury police are an
21 embarrassment to the United States. They're making the
22 support of the Salvadoran government very difficult, and so it
23 is a -- it is a cable that says directly I had a conversation
24 with Colonel Carranza, and in that conversation I told him
25 that the treasury police could not, in fact, be an

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1 embarrassment to the United States, they had to stop U. S.
2 abuses and we could see -- excuse me, human rights abuses and
3 there could be no further abuse of authority.

4 MR. ESQUIVEL: Your Honor, may I approach the
5 witness?

6 THE COURT: You may.

7 BY MR. ESQUIVEL:

8 Q. Professor Karl, I've handed you a document that is
9 dated June 9, 1983. The subject is Colonel Carranza on his
10 plans for treasury police. Is this the cable that you were
11 just referring to in your testimony?

12 A. Yes, it is.

13 Q. Okay. And is the -- well, Your Honor, the plaintiffs
14 move this into evidence as Exhibit 39.

15 THE COURT: So received.

16 (Exhibit Number 39 was marked. Description:
17 Telegram.)

18 BY MR. ESQUIVEL:
19 Q. Now --
20 MR. BROOKE: What's the date?
21 MR. ESQUIVEL: The date is June 9, 1983.
22 BY MR. ESQUIVEL:
23 Q. The paragraph number two, which is not the highlighted
24 paragraph, is that the section that you were referring to a
25 moment ago about the conversation between the ambassador and

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DIRECT - TERRY LYNN KARL

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1 Colonel Carranza?
2 A. Yes, it is. It says -- this is not the highlighted
3 paragraph now, but it does say that Carranza said that the
4 ambassador had outlined to him in the most specific and
5 graphic terms the damage that the activities and image of the
6 treasury police were causing.
7 Q. Now, let me -- let me turn your attention to paragraph
8 three of this document. Would you please read for the jury
9 the highlighted portion of paragraph three?
10 A. Colonel Carranza was candid in admitting that there
11 were abuses within the treasury police though he allowed that
12 they may not be much worse than those existing within the
13 other security forces.
14 Q. Professor Karl, what is the significance of this
15 document to your conclusions about Colonel Carranza and his
16 knowledge about human rights abuses?
17 A. In my summary of my testimony which I showed you at the
18 very beginning, I said that I believed, it is my firm opinion

19 that Colonel Carranza should have known about abuses. And
20 this is a cable that constitutes -- that reports that he had
21 that knowledge, and that he, in fact, admitted abuses inside
22 the treasury police.

23 MR. ESQUIVEL: Your Honor, excuse me just a
24 moment while I find the next exhibit.

25 Your Honor, may I approach the witness?

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1 THE COURT: You may.

2 BY MR. ESQUIVEL:

3 Q. Professor Karl, I've handed you a document that was
4 previously entered into evidence as Exhibit 32. Would you
5 remind the jury what Exhibit 32 is, please?

6 A. This is a Christian Science Monitor story in the
7 newspapers which says -- the headlines says Congress weighs
8 aid to Salvador security forces. It is written by Chris
9 Hedges.

10 Q. Let me call your attention to the next to the last
11 paragraph on page one of that newspaper article, please.
12 Professor Karl, if I may, I will need to put that copy on this
13 screen and ask you to read it, please. Professor Karl, would
14 you please read for the jury the quote in the next to the last
15 paragraph of this article?

16 A. Abuses are committed, Colonel Nicolas Carranza, the
17 former chief of the treasury police, told the monitor shortly
18 before his transfer from that post last week, and there may be

19 some cases of torture, but this is because our men lack
20 training and equipment.

21 Q. And when was this article written or approximately what
22 timeframe did Colonel Carranza make this statement?

23 A. I believe the date on that article -- I'm sorry, I
24 don't have a copy of it now, I believe the date of the article
25 is May, 1984.

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DIRECT - TERRY LYNN KARL

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1 Q. Thank you, Professor Karl.

2 Now, Professor Karl, I want to turn your attention to
3 the investigation by the treasury police of the murder of
4 Lieutenant Commander Albert Schaufelberger. Would you please
5 tell the jury briefly how that investigation began and what
6 the -- what the murder of Lieutenant Commander Albert
7 Schaufelberger was?

8 A. Lieutenant Commander Schaufelberger was an American
9 advisor working in El Salvador. He was murdered in a cafe
10 when he was meeting his girlfriend, and the importance of that
11 murder is twofold from the point of view of the history of El
12 Salvador. First of all, it is an American military commander
13 who is killed, and there is tremendous pressure to find out
14 who did it. But second of all, this is occurring in a
15 situation in the context of a brewing crisis about U. S.
16 foreign policy in El Salvador. The United States, more and
17 more people saying why are we giving aid to a country that is
18 killing nuns, that has a human rights record like this, there
19 is so many dead priests, there is so many dead teachers, and

20 in particular, it looks like the United States may actually
21 stop aiding the Salvadoran military and security forces
22 because of this really horrendous record. What happens is the
23 United States sends William Casey, the head of the CIA, to El
24 Salvador. And William Casey has a meeting with Colonel
25 Carranza in which -- and with other military leaders as well,

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1 in which he basically says knock it off or the whole
2 relationship with the United States is going to stop. He also
3 has a private meeting with Colonel Carranza in which he says
4 that not only must the repression be knocked off, but he
5 threatens to suspend all payments to agents working with the
6 CIA inside El Salvador. So there's tremendous pressure going
7 on both from the point of view of the victim, a commander in
8 the U. S. army, but also from the point of view of the whole
9 story of human rights abuses and torture. So when
10 Mr. Alvarado is charged with the murder of Lieutenant
11 Commander Schaufelberger, this becomes an extremely important
12 case in the context of U. S. Salvadoran relations.

13 Q. Who was appointed within the treasury police to conduct
14 the investigation into this murder?

15 A. The man who was appointed, his name is Pozo, P-0-Z-0.

16 Q. And is that significant that he was appointed to head