



**Update on Third and Fourth Days of Testimony in Removal Trial of Salvadoran
General García
December 13 and 14, 2012**

Testimony of Professor Terry Karl and Adjournment

Direct Examination

Due to the fact that Professor Karl is yet to be cross-examined by defense counsel for General García, this report will summarize her testimony.

Professor Terry Karl, Gildred Professor of Latin American Studies and Professor of Political Science at Stanford University, testified as an expert witness in the removal case of General Jose Guillermo García. Her testimony, which ranged over two days, was premised on extensive, complex research over the past thirty years on El Salvador.

Professor Karl's testimony began with her overview of the level of political violence in El Salvador during the time that Jose Guillermo García was Minister of Defense (MOD) (October 1979-April 1983). Noting that it was one of the worst human rights disasters in Latin America, Professor Karl stated that the abuses included the forced disappearances of children and adults, the routine use of torture as well as the types of torture used, and arbitrary detention. Extra-judicial killings and massacres led to the deaths of over 30,000 people. Professor Karl referred the judge to an Appendix to her written report in which she evidently had documented over fifty-five massacres that occurred while General García was MOD. The Truth Commission for El Salvador and other sources attributed the vast majority of abuses to the Armed and Security and civilian-clothed death squads.

Professor Karl's research led to the following conclusions about which she testified in the hearing: (1) MOD García was the most powerful person, both de facto and de jure, in El Salvador while he held that office (clarifying that the Minister of Defense was a military, not a civilian position as in the U.S.); (2) the Salvadoran military engaged in widespread and systematic attacks on civilians; (3) García was in control of the military; (4) García presided over instituting measures of state terror; (5) García's actions as MOD gave a clear signal – what she termed a “green light” - for human rights abuses (7) García promoted and protected known human rights abusers and fostered impunity of his fellow officers; and (8) García repeatedly denied that human rights abuses were occurring, even denying information that was directly brought to him by U.S. officials and others. In this regard, Karl particularly made use of U.S. declassified cables in her presentation to the judge.

Professor Karl returned several times to an in-depth examination of the December 1981 El Mozote massacre, referring to it as the “worst massacre in Latin American history.” The courtroom had a haunted quality as she noted that her testimony was

coinciding with the thirty-first anniversary of the event, just as Juan Romagoza's had coincided with the thirty-second anniversary of his capture. She evoked the memory of the approximately 1000 people killed, including 250 children whose bodies were discovered in forensic examination of the massacre site. Karl showed the court a U.S. declassified document in which García referred to the massacre as a "novela," a Spanish word denoting a "soap opera" or "fairy tale" and that it was pure "Marxist-Leninist propaganda." Another cable reported a conversation about the massacre in which García was said to be his "usual cocky self and said, 'I'll deny it, it never occurred.'" At the close of her testimony, Karl reported to the court on the recent ruling of the Inter-American Court of Human Rights in the El Mozote case. The Court held that the Salvadoran government never adequately investigated the crime. The Court ordered El Salvador to carry out a full investigation now as well as indemnify the victims and their families and to abrogate the amnesty law as an illegal law in violation of international law.

Immigration Judge Horn granted a request by Alina Cruz, García's defense counsel, for additional time to prepare for cross-examination of Karl. The judge ordered the parties to confer with the court regarding a possible court date, via teleconference or in person, for Professor Karl's cross-examination and the testimony of General García. Cruz has not indicated yet that she will call any other witnesses. Three days were to be set aside for this continued hearing sometime between January 14, 2013 and February 14, 2013. CJA will continue to monitor the case and give information about the date for the rescheduled proceedings.