

# The New York Times

## U.S. Justice Dept. Releases Judge's Ruling on Ex-Salvadoran General

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WASHINGTON — The Justice Department has released a United States [immigration](#) judge's ruling ordering the deportation of a former high-ranking Salvadoran military officer over his role in the 1980 rape and murder of four American churchwomen and other crimes there.

Although the broad outline of the judge's ruling had been known since he [issued it](#) in February 2012 and reaffirmed it in August, his reasoning and supporting documentation had remained secret because the Justice Department, which controls immigration courts, had declined to release the information.

It had initially said that releasing the documentation while the case was still under way would invade the privacy of the retired officer, Gen. Carlos Eugenio Vides Casanova, a former defense minister of El Salvador and an ally of the American military during the civil war there. He immigrated to Florida legally after his retirement in 1989, and is appealing the deportation order.

The Justice Department reconsidered after a request by The New York Times, which argued that the deportation hearing had been conducted in public and that high public interest in the case and possible precedents set by the judge's interpretation of the law overrode any privacy claims.

Since the general's move to Florida, relatives of the four slain women — [whose murder](#) stunned Americans and helped focus attention on El Salvador — as well as victims of torture there have sought his deportation to El Salvador. General Vides Casanova commanded the

Salvadoran National Guard between 1979 and 1983; five guardsmen were convicted of the killings.

The immigration judge, James Grim, found that the general had “assisted or otherwise participated in” their killings for failing to supervise or investigate the soldiers who carried out the crime. He issued the deportation order that the general is appealing.

In clearing the way for his removal on human rights grounds, Judge Grim found that given the hundreds if not thousands of extrajudicial killings while General Vides Casanova commanded the national guard, it was “implausible” that he had been “unaware of his subordinates’ involvement in at least one of these killings.”

The general “knew or should have known that his subordinates” committed killings, and he did not take “reasonable measures to prevent or stop such acts or investigate in a genuine effort to punish the perpetrators,” the judge wrote.

In two cases of torture, involving Juan Romagoza and Daniel Alvarado, the judge determined that the general had been aware of the torture but that he took no action to discipline the men who carried it out. In Mr. Alvarado’s case, the judge wrote, the major who supervised the torture was later promoted.

“The breadth, depth and scope of Judge Grim’s decision ordering the removal of former General Vides Casanova is breathtaking,” said Carolyn Patty Blum, a legal adviser for the [Center for Justice and Accountability](#), a nonprofit group in San Francisco that represents several torture victims in the case.

The ruling allows the public to know “so much more about Vides’s deliberate acts of misconduct and nefarious role in the carrying out of grave human rights abuses in El Salvador,” she said.

Diego Handel, a lawyer for General Vides Casanova, declined to comment, saying the case was still pending, as did a spokeswoman for the Department of Homeland Security, which is conducting the removal proceedings through its Immigration and Customs Enforcement agency.

In court papers, the general has argued that he should not be deported for actions he took during the civil war because at the time he was “relying on the advice, military and financial assistance of the U.S. government,” which was “fully cognizant of the conduct of the Salvadoran military and national guard units.”

He has also asserted that under international law, the United States government cannot retroactively use a 2004 law barring human rights violators from entering or living in the country to deport him for events in the 1980s.

But Judge Grim found his rebuttal lacked merit. “The court,” he concluded, “orders respondent removed to El Salvador.”

*Julia Preston reported from Washington, and Randal C. Archibold from Mexico City.*

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- [DOCUMENT: Judge’s Deportation Order on ex-Salvadoran General](#)