



1 JUDGE FOR THE RECORD

2 Okay, we're on the record. It's Thursday, May the 26th,  
3 2011 in the Immigration Court in Orlando, Florida, Immigration  
4 Judge James Grim still in the matter of Mr. Vides Casanova (b) (6)

5 (b) (6) He is back in Court today with counsel.

6 JUDGE TO MR. HANDEL

7 And Mr. Handel, if you could just state your appearance.

8 MR. HANDEL TO JUDGE

9 Diego Handel appearing for respondent Carlos Eugenio Vides  
10 Casanova.

11 JUDGE FOR THE RECORD

12 Okay. And Mr. Craig and Mr. Stanley are both here for the  
13 Government.

14 JUDGE TO MR. CRAIG AND MR. STANLEY

15 And if you could state your appearances.

16 MR. CRAIG TO JUDGE

17 James Craig on behalf of the Department of Homeland  
18 Security.

19 MR. STANLEY TO JUDGE

20 Kevin Stanley on behalf of the Department of Homeland  
21 Security.

22 JUDGE FOR THE RECORD

23 All right. Our Court interpreter is again Ms. (b) (6)  
24 (b) (6) who is a contract interpreter. I'll swear her  
25 in.

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1 JUDGE TO MS. (b) (6)

2 Do you swear or affirm to interpret from English to Spanish  
3 and vice versa to the best of your ability?

4 MS. (b) (6) TO JUDGE

5 I do.

6 JUDGE TO MS. (b) (6)

7 Thank you, ma'am, and Ms. (b) (6) is also here.

8 She's an Immigration Court employee and an interpreter in the  
9 Spanish language as well.

10 JUDGE TO MS. (b) (6)

11 And you'll be starting today. Okay. Through the  
12 interpreter.

13 JUDGE TO MR. VIDES CASANOVA

14 Q. Mr. Vides, good morning again, sir.

15 A. Good morning.

16 Q. We're going to begin today by having the Government  
17 ask you questions regarding the questions that were asked  
18 yesterday. As I said yesterday, be sure to listen carefully to  
19 the questions, make sure you understand them before you try to  
20 answer them. If the answer, if the answer, the question calls  
21 for a yes or no answer, you can just say yes or no and again  
22 when the Government is finished with their questions, Mr. Handel  
23 will have another chance to follow up with further questions.  
24 Okay. You understand. All right. And as you did yesterday,  
25 please speak directly into the microphone and, and I think we'll

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1 be fine.

2 JUDGE TO MR. HANDEL AND MR. CRAIG

3 Anything from the parties before we start out today?

4 MR. CRAIG TO JUDGE

5 Not from the Government.

6 MR. HANDEL TO JUDGE

7 Not from respondent.

8 JUDGE TO MR. CRAIG

9 All right. Very good. Then, we'll begin cross-  
10 examination, Mr. Craig.

11 MR. CRAIG TO JUDGE

12 Thank you, Your Honor.

13 MR. CRAIG TO MR. VIDES CASANOVA

14 Q. Mr. Vides, you testified yesterday on direct that you  
15 were appointed to director general of national guard in El  
16 Salvador on October 1979. Is that correct?

17 A. Yes.

18 Q. And as director general of the national guard,  
19 everyone in the national guard would have been under your  
20 command. Is that correct?

21 A. Yes.

22 Q. And the national guard was in charge of providing  
23 security throughout El Salvador. Is that correct?

24 A. Yes.

25 Q. And you also testified that you were appointed as

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1 minister of defense of El Salvador on April 17th, 1983. Is that  
2 correct?

3 A. Yes.

4 Q. And you left that position either at the end of May or  
5 the first part of June 1989.

6 A. Yes.

7 Q. And as minister of defense, the entire Salvadoran  
8 armed forces, including the army, navy, air force, treasury  
9 police, national police, the national guard were subordinate to  
10 you, correct?

11 JUDGE TO MR. CRAIG

12 You have to slow it down a little bit.

13 MR. CRAIG TO JUDGE

14 All right.

15 JUDGE TO MR. CRAIG

16 Let's have the question again and you can break it up if  
17 you need to.

18 MR. CRAIG TO JUDGE

19 Okay.

20 MR. CRAIG TO MR. VIDES CASANOVA

21 Q. As minister of defense, the entire Salvadoran armed  
22 forces, including the army, navy, air force, treasury police,  
23 the national police, the national guard were subordinate to you,  
24 were subordinate to you.

25 A. Yes.

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1 Q. While you were head of the national guard and minister  
2 of defense, you were aware of reports of people being tortured  
3 by the security forces. Is that correct?

4 A. No.

5 Q. You, you were not aware of reports of people being  
6 tortured by the national guard.

7 A. No.

8 Q. You were named as a defendant in a lawsuit several  
9 years back. Is that correct?

10 A. Yes.

11 Q. And the name of that lawsuit was Juan Romagoza Arce v.  
12 Jose Guillermo Garcia and Carlos Eugenio Vides Casanova. Is  
13 that correct?

14 A. Yes.

15 JUDGE TO MR. CRAIG

16 Let's get the name again if you would, Mr. Craig.

17 MR. CRAIG TO MR. VIDES CASANOVA

18 Q. The name of the trial was Romagoza Arce v. Garcia and  
19 Vides Casanova, correct?

20 A. Okay. Yes.

21 Q. And you testified in that civil trial. Is that  
22 correct?

23 A. Yes.

24 Q. And you also testified under oath at a deposition. Is  
25 that correct?

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1 A. Yes.

2 Q. And do you remember being asked a question about while  
3 you were head of the national guard and minister of defense  
4 whether you are aware of reports about people being tortured?

5 A. Press reports, yes, but specifically about, about  
6 torture, no.

7 Q. And you were asked a question, so you are aware of  
8 torture, reports of torture and your answer to that was yes. Do  
9 you remember that?

10 MS. (b) (6) TO MR. CRAIG

11 Interpreter needs to clarify something, press reports of  
12 torture.

13 MR. CRAIG TO MS. (b) (6)

14 No. Just reports of torture.

15 MR. VIDES CASANOVA TO MR. CRAIG

16 But not specifically about a single person's torture, I'm  
17 still unaware of that outside of those who came to file a  
18 lawsuit here in the United States 20 years later.

19 MR. CRAIG TO MR. VIDES CASANOVA

20 Q. And then, you followed up that answer when you said  
21 yes, you followed up and said, but these reports that with all  
22 due respect, they were created in order to destroy the image of  
23 the armed force and they never took time to talk about the  
24 damage caused to the country by subversion. Do you remember  
25 testifying to that?

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1 A. Yes.

2 Q. We had a lot of testimony about a meeting that you had  
3 with Vice President Bush in December of 1983. Do you remember  
4 that meeting?

5 MS. (b) (6) TO MR. CRAIG

6 December or the summer.

7 MR. CRAIG TO MS. (b) (6)

8 December of 1983.

9 MS. (b) (6) TO MR. CRAIG

10 1983.

11 MR. VIDES CASANOVA TO MR. CRAIG

12 Yes.

13 MR. CRAIG TO MR. VIDES CASANOVA

14 Q. And at that meeting with Vice President Bush, human  
15 rights issues were discussed, right?

16 A. Yes.

17 Q. You also had a meeting with Vice President Quayle in  
18 February of 1989, correct?

19 A. Yes.

20 Q. Human rights abuses were also discussed at that  
21 meeting. Is that correct?

22 A. Yes.

23 Q. And while you were minister of defense, you also had  
24 meetings with various ambassadors, secretaries of states, and  
25 other U.S. Government officials, correct?

(b) (6)



1 A. Yes.

2 Q. In almost every one of those meetings that you had  
3 with officials from the U.S. Government, human rights abuses  
4 were discussed, correct?

5 A. Yes.

6 Q. And in many of those discussions, the discussions  
7 included talk about specific acts of torture and extrajudicial  
8 killings committed by members of the armed forces, correct?

9 MR. HANDEL TO JUDGE

10 I'm [indiscernible], Your Honor. I'm not sure if the  
11 question [indiscernible] the question.

12 JUDGE TO MR. HANDEL

13 Okay.

14 JUDGE TO MR. CRAIG

15 Yeah and break the question down if you would, Mr. Craig.  
16 I want to make sure we get everything exactly as you're asking  
17 it.

18 MR. CRAIG TO MR. VIDES CASANOVA

19 Q. Those discussions that you had with U.S. Government  
20 officials often included talk about specific acts of torture and  
21 extrajudicial killings that were committed by members of the  
22 armed forces.

23 A. Never specifically acts of torture.

24 Q. So you disagree with the testimony of Ambassador  
25 Passage and Ambassador Corr who said that those discussions

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1 included specific acts of torture and extrajudicial killings.

2 A. Well, these are two different questions, right? Well,  
3 as far as abuse of power and killings, those were mentioned, but  
4 not specifically acts of torture.

5 Q. Ambassador Passage testified that in conversations  
6 with you, embassy officials would often name names and talk  
7 about specific acts of torture and killings committed by members  
8 of the armed forces.

9 MS. (b) (6) TO MR. CRAIG

10 Did you say killings by the armed forces?

11 MR. CRAIG TO MR. VIDES CASANOVA

12 Q. Do you disagree with Ambassador Passage's testimony?

13 A. Well, as I said before, acts of torture never and  
14 that's maybe that's what they said and that would leave me in a  
15 bad place, but as far as abuses of power and the killings in the  
16 Sheraton, that was mentioned.

17 Q. So you're saying that Ambassador Passage was wrong  
18 when he testified and said that specific acts of torture and  
19 killings were talked to you about in those meetings.

20 MR. HANDEL TO JUDGE

21 Objection. Asked and answered.

22 MR. CRAIG TO JUDGE

23 He hasn't answered the question, Your Honor.

24 MR. HANDEL TO JUDGE

25 Asked and answered. He asked three times.

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1 MR. CRAIG TO JUDGE

2 But he answered the question. He hasn't, he didn't say yes  
3 or no.

4 MR. HANDEL TO JUDGE

5 That's the same --

6 JUDGE TO MR. HANDEL

7 Well, hold on. One at a time.

8 JUDGE TO MR. CRAIG

9 Mr. Craig.

10 MR. CRAIG TO JUDGE

11 It's a yes or no question. He hasn't answered the question  
12 yes or no.

13 MR. HANDEL TO JUDGE

14 Your Honor, he's answered the question adequately. It's  
15 not a yes or no question.

16 JUDGE TO MR. HANDEL

17 I took his answer as did they ever speak of specific acts  
18 of torture and he said never.

19 MR. CRAIG TO JUDGE

20 But that wasn't the question. The question was whether he  
21 disagrees with Ambassador Passage's testimony or whether  
22 Ambassador Passage was wrong.

23 MR. HANDEL TO JUDGE

24 Your Honor, he's answered that question.

25 JUDGE TO MR. CRAIG

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1 Okay. I'll allow the question. Go ahead.

2 MR. CRAIG TO MR. VIDES CASANOVA

3 Q. Do you -- was Ambassador Passage wrong during his  
4 testimony when he said that specific acts of torture and  
5 killings were discussed with you?

6 MR. HANDEL TO JUDGE

7 Objection. Compound question. He's asking about acts of  
8 torture and about extrajudicial killings.

9 JUDGE TO MR. CRAIG

10 You want to ask one at a time.

11 MR. CRAIG TO JUDGE

12 I'll move on, Your Honor.

13 MR. CRAIG TO MR. VIDES CASANOVA

14 Q. Isn't it true that death squads operated out of the  
15 intelligence section G-2 of the national guard while you were  
16 the director general?

17 A. No, not as far as I know.

18 Q. After the peace accords in 1992, the United Nations  
19 established a Truth Commission to investigate what took place  
20 during the civil war in El Salvador. Is that correct?

21 MS (b) (6) TO MR. CRAIG

22 Counsel, would you mind breaking down those complicated  
23 questions so I make sure that I get everything in?

24 MR. CRAIG TO MR. VIDES CASANOVA

25 Q. After the peace accords in 1992, the United Nations

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1 Truth Commission investigated what took place during the civil  
2 war. Isn't that correct?

3 A. Correct.

4 Q. And they made some findings regarding death squads  
5 operating out of the national guard intelligence section. Is  
6 that correct?

7 Q. After the peace accords in 1992, the United Nations  
8 established a Truth Commission to investigate what took place  
9 during the civil war in El Salvador. Is that correct?

10 MS. (b) (6) TO MR. CRAIG

11 National guard.

12 MR. CRAIG TO MS. (b) (6)

13 Intelligence.

14 MS. (b) (6) TO MR. CRAIG

15 Intelligence. I'm sorry. Could you please repeat the  
16 question?

17 MR. CRAIG TO MR. VIDES CASANOVA

18 Q. They specifically investigated death squads operating  
19 out of the national guard intelligence section.

20 MR. HANDEL TO JUDGE

21 Objection. There's no question.

22 MR. CRAIG TO MR. VIDES CASANOVA

23 Q. Do you recall that?

24 A. There was, I was never aware that the death squads  
25 were in operation out of the national guard.

(b) (6)

1 Q. Do you disagree with the findings of the Truth  
2 Commission that found that death squads operated out of the  
3 intelligence section national guard?

4 A. Yes.

5 MR. CRAIG TO JUDGE

6 Your Honor, I'd just point out the Exhibit 2, page 134.  
7 The Truth Commission has a discussion. It talks about death  
8 squads operating out of the national guard intelligence section.

9 JUDGE TO MR. CRAIG

10 Do you have a page?

11 MR. CRAIG TO JUDGE

12 Page 134.

13 JUDGE TO MR. CRAIG

14 134. Okay.

15 MR. CRAIG TO MR. VIDES CASANOVA

16 Q. It's important that subordinates in the military obey  
17 [indiscernible] command, correct?

18 A. Yes.

19 Q. And if any subordinates does not obey an order while  
20 you were --

21 MR. CRAIG TO JUDGE

22 Let me rephrase that.

23 MR. CRAIG TO MR. VIDES CASANOVA

24 Q. If any subordinate did not obey an order while you  
25 were head of the national guard or minister of defense, they

(b) (6)

1 could have been punished, correct?

2 MR. HANDEL TO JUDGE

3 Objection, Your Honor. I don't think the translation was  
4 correct, if we can have the question again, please.

5 MR. CRAIG TO MR. VIDES CASANOVA

6 Q. Punishment for not obeying an order could have been as  
7 much as dismissal --

8 MR. CRAIG TO JUDGE

9 That actually, that's not the question I asked.

10 MR. CRAIG TO MR. VIDES CASANOVA

11 Q. If a subordinate had not obeyed an order, he could  
12 have been punished, correct?

13 MR. HANDEL TO JUDGE

14 Objection, Your Honor. I think the question if I remember  
15 correctly had to do with the national guard. I think the  
16 translation talked about both the national guard and the  
17 minister of defense, if we could have a clarification.

18 JUDGE TO MR. CRAIG

19 I think the question was as to both, wasn't it?

20 MR. CRAIG TO JUDGE

21 It was.

22 JUDGE TO MR. CRAIG

23 Okay. All right. So I'll stand with the interpretation.  
24 Go ahead and the last part of the question was what, whether he  
25 aware of that?

(b) (6)

1 MR. CRAIG TO MR. VIDES CASANOVA

2 Q. If a subordinate did not obey an order, he could be  
3 punished, correct?

4 A. Must be punished.

5 Q. And that punishment could include as much as dismissal  
6 from the armed forces, correct?

7 A. Yes.

8 JUDGE TO MR. VIDES CASANOVA

9 Q. Was that a yes?

10 A. Yes.

11 Q. Okay. Thank you.

12 MR. CRAIG TO MR. VIDES CASANOVA

13 Q. Now at one point as minister of defense, you gave a  
14 permanent order to everyone in the armed forces.

15 MS. (b) (6) TO MR. CRAIG

16 One.

17 MR. CRAIG TO MR. VIDES CASANOVA

18 Q. Everyone in the armed forces that they had --

19 MR. HANDEL TO JUDGE

20 Objection, Your Honor. [Indiscernible] the question again.

21 MR. CRAIG TO JUDGE

22 Your Honor, I don't speak Spanish. So I don't know what's  
23 going on here, but this constant interruption I think is, is a  
24 little much.

25 MR. HANDEL TO JUDGE

(b) (6)



1 Your Honor.

2 MR. CRAIG TO JUDGE

3 I mean --

4 MR. HANDEL TO JUDGE

5 The question was the way I heard it was an order and the  
6 translation was a punishment. I think that's a, that's a  
7 significant difference in translation. I think we would should  
8 to the question again.

9 JUDGE TO MS. (b) (6)

10 Do you, do you want the question again?

11 MS. (b) (6) TO MR. CRAIG

12 Could you please ask your question again?

13 MR. CRAIG TO MS. (b) (6)

14 Yes.

15 MR. CRAIG TO MR. VIDES CASANOVA

16 Q. As minister of defense, you gave a permanent order to  
17 everyone in the armed forces that they had to respect the human  
18 rights of the citizens of El Salvador, correct?

19 A. Yes.

20 Q. Now, if a member of the armed forces had committed an  
21 act of torture, that would have constituted insubordination for  
22 violating your order, correct?

23 A. Yes.

24 Q. And if a member of the armed forces had committed an  
25 act of extrajudicial killing, that also would have constituted

(b) (6)

1 insubordination for violating your order, correct?

2 A. Partly correct.

3 Q. Okay. And what part is not correct?

4 A. Well, any civil crime should be reported and sent to  
5 the appropriate authorities like the courts.

6 Q. But if they had murdered an innocent civilian, that  
7 would have violated your order to respect the human rights of  
8 civilians, correct?

9 A. Yes.

10 Q. And by violating your order, that would have  
11 constituted insubordination which could have been punished by  
12 dismissal from the armed forces, correct?

13 A. Yes.

14 Q. And you've claimed in the past that there was not a  
15 single act of insubordination that any of your orders during  
16 your entire 35 year military career, correct?

17 A. Insubordination as far, as far as one of my orders  
18 throughout my term, no.

19 Q. During the civil war in El Salvador in the 1980s,  
20 there were approximately 70,000 Salvadoran civilians killed,  
21 correct?

22 A. That's the report says, but I'm not sure about the  
23 amount.

24 Q. Now, when you retired as minister of defense, there  
25 were approximately 55,000 people in the Salvadoran armed forces,

(b) (6)

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1 correct?

2 A. Approximately yes.

3 Q. This means that during the civil war, there were more  
4 civilians killed than there were troops in the armed forces at  
5 its highest number, correct?

6 A. Yes.

7 Q. The vast majority of these civilian deaths were at the  
8 hands of security forces and the military, correct?

9 A. Well, it was through operation from the entire  
10 military combatting the subversive forces and a lot of soldiers  
11 died as well. Over 12,000 soldiers died as part of the armed  
12 forces.

13 Q. 12,000 soldiers died and 70,000 civilians died.

14 A. As far as civilians go, I'm not sure of the exact  
15 number. I have to go through that report and assume it's  
16 correct.

17 Q. Ambassador Corr testified that the military and  
18 security forces were responsible for the vast majority of the  
19 human rights abuses carried out against civilians.

20 A. Yes.

21 Q. Do you agree with Ambassador Corr's testimony?

22 A. I am, I do agree.

23 Q. During the time period in 1979 to 1983, the national  
24 guard committed acts of torture in El Salvador, correct?

25 A. Not as far as I know.

(b) (6)

1 Q. During the time period in 1979 to 1983, members of the  
2 national guard committed acts of extrajudicial killing in El  
3 Salvador, correct?

4 A. Yes.

5 Q. During the time period in 1983 to 1989, the El  
6 Salvador armed forces committed acts of torture in El Salvador,  
7 correct?

8 A. Torture, I don't think not specifically.

9 Q. During the time period in 1983 to 1989, the El  
10 Salvador armed forces committed acts of extrajudicial killing in  
11 El Salvador, correct?

12 A. It's possible.

13 MR. CRAIG TO JUDGE

14 Thank you, Your Honor. I don't have any other questions.

15 JUDGE TO RM. HANDEL AND MR. CRAIG

16 Okay. All right. I need to check on one matter. So let's  
17 take ten minutes. I know it's a little early, but a ten minute  
18 break if you would.

19 (OFF THE RECORD)

20 (ON THE RECORD)

21 JUDGE FOR THE RECORD

22 All right. We're back on the record after a brief break.

23 We'll go now to redirect.

24 JUDGE TO MR. HANDEL

25 I assume you have follow up questions, Mr. Handel.

(b) (6)

1 MR. HANDEL TO JUDGE

2 Yes, Your Honor.

3 JUDGE TO MR. HANDEL

4 Okay. Go ahead and I am going to give you some latitude if  
5 you have any issues with any of the questions that were asked by  
6 the Government as to whether the interpretation and the question  
7 and the answer. I'm just going to give you some extra latitude  
8 and I know the Government will -- well, we'll see what the  
9 Government says. I won't speak for them. Go ahead.

10 MR. HANDEL TO JUDGE

11 Thank you, Your Honor.

12 MR. HANDEL TO MR. VIDES CASANOVA

13 Q. General Vides, you were asked on cross-exam regarding  
14 human rights abuses during the time that you were minister of  
15 defense of El Salvador.

16 MR. HANDEL TO JUDGE

17 We'll direct the Court's attention to page 992 of the  
18 Government's submission. That's the Country Reports on Human  
19 Rights Practices for 1984.

20 JUDGE TO MR. HANDEL

21 Exhibit 4 for the record.

22 MR. HANDEL TO JUDGE

23 I believe that's tab JJJ.

24 MR. CRAIG TO MR. VIDES CASANOVA

25 Q. On the right hand side of that page in the first full

(b) (6)

1 paragraph, the report states that most of the accusations as to  
2 human rights abuses originate with the guerrillas themselves or  
3 from sources close to and sympathetic to the guerrillas and are  
4 in most cases either exaggerated or simply baseless. Do you  
5 agree with that?

6 MR. CRAIG TO JUDGE

7 I object, Your Honor. It's leading and beyond the scope of  
8 cross. We didn't ask anything about the Country Report.

9 MR. HANDEL TO JUDGE

10 Your Honor, he was asked about human rights abuses. This  
11 is directly related to questions about human rights abuses  
12 during the time in question.

13 JUDGE TO MR. HANDEL

14 I'll allow it.

15 JUDGE TO MR. VIDES CASANOVA

16 Q. Do you agree with that, sir?

17 A. I am in agreement.

18 MR. HANDEL TO MR. VIDES CASANOVA

19 Q. The report goes on to state that the great majority of  
20 civilian battle deaths feared to take place almost exclusively  
21 in connection with operations against legitimate military  
22 targets, legitimate, I'm sorry, where masses which is the  
23 guerrilla term for their unarmed logistical support personnel  
24 are present. Do you agree with that?

25 A. I agree.

(b) (6)

1 Q. It goes on to state that the Duarte administration and  
2 the military high command, both served notice that they expect  
3 all reasonable precautions be taken to avoid the death or injury  
4 of innocent civilians. Do you agree with that?

5 MR. CRAIG TO JUDGE

6 Your Honor, I'm going to object. I don't think he can  
7 properly answer that without reading the context of the sentence  
8 that he skipped and again I think just simply reading the  
9 Country Report and asking him to read it is beyond the scope of  
10 cross.

11 JUDGE TO MR. HANDEL

12 Okay. I will allow this question and then ask you to  
13 reserve some of this for your closing because I think the  
14 document speaks for itself. I guess I'm more interested in  
15 whether or not as part of that military high command he had in  
16 fact served that type of notice or I'd like the questions to be  
17 more specific to what he might have done or not done, but go  
18 ahead and I think the last question was do you agree with that?

19 MR. HANDEL TO JUDGE

20 Yes.

21 JUDGE TO MR. HANDEL

22 Okay.

23 MR. HANDEL TO JUDGE

24 Let me go ahead and he

25 MR. HANDEL TO MS. (b) (6)

(b) (6)

1 Go ahead, Interpreter.

2 MS. (b) (6) TO MR. HANDEL

3 Can you repeat the question?

4 MR. HANDEL TO JUDGE

5 Let me rephrase the question, Judge, to address what the  
6 Court, the Court's comments. I think we can narrow it and focus  
7 it better.

8 JUDGE TO MR. HANDEL

9 Thank you.

10 MR. HANDEL TO MR. VIDES CASANOVA

11 Q. As part of the military high command, did you serve  
12 notice that you expected all reasonable precautions to be taken  
13 or reasonable precautions to be taken to avoid the death or  
14 injury of innocent civilians?

15 A. I agree.

16 Q. The arrest and detention rules which you issued in  
17 December of 1983 --

18 MR. CRAIG TO JUDGE

19 Objection. Beyond the scope of cross. He was never asked  
20 about any arrest or detention rule.

21 MR. HANDEL TO JUDGE

22 Your Honor, I think the Government is taking an extremely  
23 narrow view of the questions that they've asked. They've asked  
24 specifically about human rights abuses, torture, extrajudicial  
25 killings and this deals precisely with those issues.

(b) (6)



1 JUDGE TO MR. HANDEL

2 I don't know about precisely. I'm going to give you a  
3 little latitude, but I think you're on the edge of the questions  
4 that were asked on cross. So go ahead.

5 MR. HANDEL TO MR. VIDES CASANOVA

6 Q. Were the rules for arrest and detention that you  
7 issued, were they by and large being followed?

8 A. Yes.

9 Q. The Government asked you on cross-exam about  
10 allegations of human rights abuses. Did many of those  
11 allegations come from guerrilla radio stations?

12 A. Should I answer?

13 Q. Yes.

14 A. Yes.

15 Q. You were asked by the Government on cross regarding  
16 meetings that you had with U.S. Government officials. You were  
17 asked whether during those meetings there were discussions  
18 regarding human rights abuses. Did those discussions include  
19 accusations coming from guerrilla supporters and guerrilla radio  
20 stations?

21 A. And that's majority, yes.

22 MR. HANDEL TO JUDGE

23 No other questions.

24 JUDGE TO MR. CRAIG

25 All right. And re-cross, Mr. Craig, any other questions?

(b) (6)

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1 MR. CRAIG TO JUDGE

2 No, Your Honor. Thank you.

3 JUDGE TO MR. HANDEL

4 Mr. Handel, anything from the Government's first questions  
5 on cross-examination that you want to clarify? I know I think  
6 that we followed up and the questions were either asked again or  
7 clarified in some fashion. Do you have, I mean, is there  
8 anything glaring that's jumping out at you that you need to take  
9 care now while everyone's here and available?

10 MR. CRAIG TO JUDGE

11 The Court's talking about the translation issues.

12 JUDGE TO MR. CRAIG

13 Yes, interpretation issues, that's right and I, I think  
14 that everything was clarified, but I want to hear especially  
15 from Mr. Handel.

16 JUDGE TO MR. HANDEL

17 Since you raised a couple of objections, I think that we  
18 remedied them, but if you have any, this is the time I would  
19 prefer that you raised that issue.

20 MR. HANDEL TO JUDGE

21 Your Honor, I don't recall all the instances that came up,  
22 but as considerable testimony, but to my recollection, I believe  
23 we addressed each uncertainty or language that needed clarifying  
24 right afterwards. That's my recollection.

25 JUDGE TO MR. HANDEL

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1 That's mine as well.

2 JUDGE TO MR. CRAIG

3 Mr. Craig, do you have anything to add to that?

4 MR. CRAIG TO JUDGE

5 I don't speak Spanish. So I can't speak on the  
6 interpretation issues.

7 JUDGE TO MR. CRAIG

8 Okay. All right. Then if no one has anything else for Mr.  
9 Vides, I will allow him to take his seat by Mr. Handel.

10 JUDGE TO MR. VIDES CASANOVA

11 Sir, thank you for your testimony. You may have a seat by  
12 your attorney.

13 JUDGE TO MR. CRAIG

14 And Mr. Craig, you had mentioned on Tuesday, you wanted to  
15 reserve the opportunity to present any rebuttal evidence. Do  
16 you have any?

17 MR. CRAIG TO JUDGE

18 No witnesses certainly. If we could have a week to  
19 determine whether there's going to be any other evidence. I  
20 don't anticipate any, but as we go back over our notes.

21 JUDGE TO MR. CRAIG

22 Okay. And when you say a week to submit further evidence  
23 and possibly call further witnesses.

24 MR. CRAIG TO JUDGE

25 No. We're not going to call any other witnesses.

(b) (6)

1 JUDGE TO MR. CRAIG

2 Just the evidence then.

3 MR. CRAIG TO JUDGE

4 And it would only be limited to resolve. At this point, I  
5 don't anticipate any, but you know with as Mr. Handel said  
6 there's been a lot of evidence and so we need to go back over.

7 JUDGE TO MR. CRAIG

8 All right.

9 JUDGE TO MR. HANDEL

10 So Mr. Handel, would you like the same opportunity?

11 MR. HANDEL TO JUDGE

12 Yes, Your Honor, I would.

13 JUDGE TO MR. HANDEL AND MR. CRAIG

14 Okay. I'd like to minimize the time that I give you. I'll  
15 give you both ten days. That'll be a little more than what Mr.  
16 Craig just requested. That would be for both of you and then  
17 I'll wait another say ten days after that if you want to respond  
18 to one another's rebuttal evidence. I'll leave that door open.  
19 So ten days for the evidence would be June 6, 2011 and that's  
20 for both of you and then ten days after that would be June 15th  
21 given that I don't intend to take further testimony or argument  
22 on that, but of course you can also submit any arguments in your  
23 closing arguments. So it will be written at last. I think  
24 that's what we had agreed on or that I guess Mr. Craig had  
25 requested that opportunity.

(b) (6)

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1 MR. CRAIG TO JUDGE

2 Yes, Your Honor.

3 JUDGE TO MR. CRAIG

4 Okay.

5 MR. HANDEL TO JUDGE

6 We --

7 JUDGE TO MR. HANDEL

8 Mr. Handel.

9 MR. HANDEL TO JUDGE

10 -- had likewise requested that opportunity.

11 JUDGE TO MR. HANDEL AND MR. CRAIG

12 I didn't remember if you both did, but that certainly will  
13 be afforded to you. all right. Twenty days takes us out to  
14 June 15, 2011 and that will be taking care of the rebuttal  
15 evidence.

16 JUDGE TO MR. CRAIG

17 And then Mr. Craig, Government's case, your closing would  
18 be submitted first. Is 30 days after that time period  
19 sufficient?

20 MR. CRAIG TO JUDGE

21 Can we have until the end of July?

22 JUDGE TO MR. CRAIG

23 That's fine. Let's see. Friday, July 29 or let's make it  
24 Monday, August 1st.

25 MR. CRAIG TO JUDGE

(b) (6)

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1 Okay.

2 JUDGE TO MR. CRAIG

3 That will be for the Government's written closing argument.

4 JUDGE TO MR. HANDEL

5 And Mr. Handel, how much time will you need after August  
6 1st to respond with your own closing? And I'd like to keep us  
7 around four to six weeks if you could accommodate me just so we  
8 can continue to move the case forward.

9 MR. HANDEL TO JUDGE

10 We could do mid-September. That would be six weeks I  
11 think, Judge.

12 JUDGE TO MR. HANDEL

13 Okay. Then, let's Friday, September 16th, let's go to  
14 Monday, September 19th for you.

15 MR. HANDEL TO JUDGE

16 September 19th, Your Honor.

17 JUDGE TO MR. HANDEL

18 Monday the 19th of September. Right.

19 JUDGE TO MR. HANDEL AND MR. CRAIG

20 And either side need to do anything subsequent to the  
21 written closings before I then take the case under advisement  
22 and issue the decision.

23 MR. CRAIG TO JUDGE

24 Can we have 15 days after the 19th, the 19th to respond to  
25 respond to Mr. Handel's brief?

(b) (6)

1 JUDGE TO MR. CRAIG

2 That's fine. I usually would do that if it was oral  
3 closings. So that's fine. So Monday, September 19th, 20 days  
4 would be October 11th. So let's use that just because it's that  
5 is not my forte. So --

6 MR. CRAIG TO JUDGE

7 Thank you.

8 JUDGE TO MR. HANDEL AND MR. CRAIG

9 DHS by October 11th, that should be the final documentary  
10 evidence or argument that I get from either side and then I  
11 would like to say that I can get the case, get the decision, the  
12 written decision. It will be a written decision out within 90  
13 days of that date after I've considered all the arguments by  
14 both sides. So I believe I thought about this. It may be best  
15 not to set a future hearing date. I don't know that it makes a  
16 lot of difference, perhaps leave the case off calendar, and I'll  
17 try as best I can with the 90 days of October 11th to have the  
18 written decision issued. I guess a couple of possibilities if I  
19 find the Government has not proved their case by their requisite  
20 burden of proof, my order would be to terminate proceedings  
21 since the respondent is a lawful permanent resident, reserve the  
22 right to appeal for both sides. In the alternative if  
23 removability is sustained in part or in whole, I would ten set  
24 the matter for probably a brief hearing for submission of any  
25 applications for relief that might be filed on behalf of the

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1 respondent. So at this point in time, does anyone have any  
2 input as to whether or not the matter should be reset now for a  
3 hearing or just left off calendar?

4 MR. CRAIG TO JUDGE

5 I think off calendar is fine. One point of clarification,  
6 Your Honor, you said that any evidence or briefs, the final  
7 would be the October 11th. My understanding, however, is the  
8 evidence is all due the earlier June dates. Is that correct?

9 JUDGE TO MR. CRAIG

10 Yeah. That, that --

11 MR. CRAIG TO JUDGE

12 The later dates are only for briefs.

13 JUDGE TO MR. CRAIG

14 That is true. Right. What I mean is my consideration of  
15 any evidence, I'm going to start considering everything on  
16 October 11th, but yes, you're correct.

17 MR. CRAIG TO JUDGE

18 Thank you.

19 JUDGE TO MR. HANDEL AND MR. CRAIG

20 All right. Then, let me shoot for the first or second week  
21 in January for my decision and I'll do my best to get it out by  
22 then, but obviously we're all aware of the complex nature of the  
23 case. So bear with me. We'll go for January 2012. I hope to  
24 have a written decision early in the year and then set for  
25 another hearing as needed or we can take the next step with the

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1 Board of Immigration Appeals. Okay.

2 JUDGE TO MR. HANDEL

3 As I had noted at the outset, Mr. Handel, please let me if  
4 there's any issues with the CDs that were provided to you and if  
5 anyone comes up with any issues as to what was done in the last  
6 few days, please let the Court through the administrative  
7 process. I know we've been exchanging e-mails and I think that  
8 works fine between the four of us. So if there are any issues  
9 that we can resolve via e-mail, obviously cc everyone involved.  
10 Mr. Handel, am I missing anything in your opinion?

11 MR. HANDEL TO JUDGE

12 I think it's covered, Your Honor.

13 JUDGE TO MR. CRAIG

14 Mr. Craig.

15 MR. CRAIG TO JUDGE

16 No, Your Honor, and I appreciate the Court scheduling as  
17 much time as we need to finish this case. I know the Court has  
18 a busy schedule and I appreciate your accommodating our need to  
19 present the evidence.

20 MR. HANDEL TO JUDGE

21 I will second that.

22 JUDGE TO MR. HANDEL, MR. CRAIG AND MR. STANLEY

23 All right. Well, thank you both, all three of you again  
24 for your professionalism and I try not to wear out that word,  
25 but I do appreciate all of you in your ability to represent your

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1 clients zealously. So Mr. --

2 JUDGE TO MS. (b) (6)

3 Through the interpreter.

4 JUDGE TO MR. VIDES CASANOVA

5 Q. Mr. Vides, please stay in close contact with your  
6 attorney. He's got some additional work to do to close out this  
7 portion of the case. It may be, it may be some months before I  
8 reach a decision on your case, but if you stay in close contact  
9 with Mr. Handel, I'm sure that he'll advise you of every step of  
10 that process.

11 A. Okay. Thank you, Your Honor.

12 JUDGE TO MR. HANDEL AND MR. CRAIG

13 Gentlemen, if there's nothing else.

14 MR. CRAIG TO JUDGE

15 Nothing further. Thank you.

16 JUDGE FOR THE RECORD

17 We'll be adjourned.

18 HEARING ADJOURNED

19

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22

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