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A safe haven, but for whom??

The U.S. provides sanctuary for many of the world's most wanted

BY CHITRA RAGAVAN

One evening last year, a 35-year-old Somali computer analyst was visiting a friend in a quiet Virginia suburb when he encountered a man whose name he had heard and cursed a thousand times but whom he had never expected to see—especially here. The computer analyst (fearing retribution, he asked to use the pseudonym Omer) says he was stunned. It turns out the other guest was Mohamed Ali Samatar. From 1971 to 1990, Samatar served as prime minister, vice president, and minister of defense under former Somali dictator Siad Barre. Barre's Darod clan has been accused by human-rights investigators of killing more than 50,000 northern Somali Issaks, among them, Omer's father and sister.

As Barre's top military man, Samatar himself is alleged by Somalis to have ordered many military atrocities against Issaks, including a devastating aerial bombing of the town of Hargeisa in 1988 in which tens of thousands of civilians died. In May 1997, after heavy rains in Hargeisa, forensics experts for the United Nations Commission on Human Rights uncovered more than 92 separate mass graves, many with wrist bound corpses.

In its report, the commission said the men, women, and children were killed by Barre forces in 1988. "If I were in Somalia, I have no doubt that I would have killed him," Omer says about his chance meeting with Samatar, who, he discovered, had not only obtained legal status in the United States but was practically his neighbor in Fairfax, Va.

Omer is not the only one who's angry. America has become a haven for hundreds if not thousands of suspected human-rights abusers loosely called "war criminals." The new arrivals range from foot soldiers to high-level military and government officials. They have been incriminated in numerous human-rights investigations, pilloried in the press, excoriated by their supreme courts and damned by their own people for torturing and killing millions. But they have escaped prosecution at home or by international tribunals. And they've come to the United States from all points of the compass—Haiti, Ethiopia, Cambodia, El Salvador, Guatemala, Rwanda, Yugoslavia, to name just a handful of countries. "It's a problem for virtually all the major refugee and immigrant communities in this country," says Gerald Gray, executive director of the San Francisco-based Center for Justice and Accountability. Gray and others say the Immigration and Naturalization Service, the federal agency charged with policing the borders to keep out people of questionable backgrounds, is doing little about it. The alleged criminals come in as visitors, refugees, or asylum seekers, often with help from relatives, friends, churches, or even the U.S. government. Once here they tend to stay because the INS does not know who they are or move to throw them out.

'The new Nazis.' This could soon change. Some lawmakers, fed up with the INS's lack of action, are pushing for the Justice Department's Office of Special Investigations, which has successfully hunted down Nazis, to take over all war-crimes cases. "These are the new Nazis," says Sen. Patrick Leahy. The Vermont Democrat authored a bill, passed by the Senate last week, designed to plug a loophole that allows war criminals other than Nazis to reside in America. Under a law passed in 1978 and updated in 1990, the only war-crimes suspects who can be denaturalized or deported are those who committed genocide or were associated with the Nazis during World War II.

Human-rights advocates say a major reason war criminals settle in the United States is because it's so easy. In recent years, for instance, Canada has spent millions of dollars getting rid of war criminals. But Ahmed Samatar, a Canadian Somali who has spent a decade trying to track down human-rights offenders, says many of Canada's rejects probably end up in the United States. "Canada dumps them at

the border," Samater says. "They don't advise [the] INS of the nature of the crimes. And [the] INS doesn't check Canadian records." The INS refused repeated requests to comment for this story.

U.S. News has learned that at least six high-ranking former Somali military and government officials with dubious human-rights records live here. Among them:

Abdi Ali Nur: a former military judge who allegedly presided over sham trials in Hargeisa in northern Somalia in which hundreds of political opponents were found guilty and executed. Lives in San Diego.

Ali Mohamed Siad, the eldest son of deposed Somali dictator Barre: The INS arrested Siad in 1997 when he crossed into the United States from Canada, where he had been denied refugee status. A Canadian court ruled that in the 1980s, Siad had served as chief of a notorious prison called Lanta Bur where hundreds of political prisoners were brutally tortured and executed. At a deportation hearing before a U.S. immigration judge last July, Siad, now a Virginia resident, denied he was in command of Lanta Bur and said he was actually jailed there by his father for being a lush and a womanizer. His lawyer, Ivan Yakub, says that because of a flimsy INS case, he is confident Siad will be allowed to stay. An INS investigator testified he had interviewed 40 witnesses about Siad's past, but the agency did not call any of them to testify at the hearing or even submit affidavits.

Somali Colonel Yusuf Abdi Ali, a k a "*Tokeh*" ("The Crow"). The INS believes Ali ordered the executions of more than 100 unarmed Issak men; some were burned alive. The Canadian courts denied Ali refugee status, saying his fear of being persecuted in Somalia was unfounded. He withdrew a 1994 U.S. asylum application after a CBS news exposé about him but later obtained a green card through his wife, a U.S. citizen. Last year, the INS arrested Ali and prosecuted him for lying about his past. The agency had a dozen witnesses, but the judge threw the case out. The reason: The alleged lies were not documented because Ali's asylum application was inactive.

Others on the who's-who list of war criminals in the United States:

The most notorious of more than a dozen former Haitian military officials is Emmanuel "Toto" Constant. He once headed the feared Haitian paramilitary death squad FRAPH, which was allegedly responsible for the torture and murder of thousands of supporters of President Jean-Bertrand Aristide in the 1990s. Constant, nevertheless, was issued a multiple-entry visa and now lives with an aunt in an apartment in Queens, N.Y. In 1995, then Secretary of State Warren Christopher asked Attorney General Janet Reno to deport Constant. But the State Department later had a change of heart, fearing his presence in Haiti might be destabilizing.

Jezdimir Topic, alleged to have been a guard at the Serbian prison camp Trnopolje, a converted schoolhouse where numerous cases of murder, rape, and torture reportedly occurred during the Yugoslavian war. Topic now lives comfortably in Boston.

Frustrated by the INS's seeming inability to weed out such immigrants, human-rights groups have filed civil lawsuits against alleged war criminals seeking damages for victims. The Center for Justice and Accountability is suing two former Salvadoran generals now living in Florida, Carlos Eugenio Vides Casanova and Jose Guillermo Garcia, on behalf of a Salvadoran woman living on the West Coast. The woman, identified in court papers only as Jane Doe, alleges that in 1979, when she was eight months pregnant, she was kidnapped, raped, and tortured by members of the Salvadoran National Guard. The Salvadoran officials are also being sued by the brother of Ita Ford, one of three nuns kidnapped, raped, and murdered by National Guard members in 1980. Kurt Klaus, the lawyer for both men, says his clients are innocent.

Earlier this year, the Center for Justice and Accountability also filed a suit on behalf of a Chilean woman, Zita Cabello-Barrueto, against Armando Fernández-Larios, a member of the Chilean secret police under former dictator Augusto Pinochet. (Pinochet is in custody in London awaiting extradition to Spain to face torture charges.) The suit alleges that Fernández-Larios was part of a military commission, the "Caravan of Death," that executed 72 political prisoners in northern Chile, including the plaintiff's brother, Winston Cabello, a government economist. In 1995, Cabello-Barrueto learned that Fernández-Larios was living in

Florida. He had gone to Washington, D.C., eight years earlier to testify at a trial in connection with the 1976 murder of former Chilean Ambassador Orlando Letelier. Fernández-Larios was one of three Chilean intelligence officials charged with the killing. He was released from prison after serving an abbreviated sentence on a reduced charge of accessory to murder.

The fruits of these lawsuits have been bittersweet. In 1991, the Center for Constitutional Rights in New York sued former Guatemalan Defense Minister Hector Gramajo as he graduated from Harvard's Kennedy School of Government. He was blamed for the deaths of thousands of Guatemalan Indians in the early 1980s and with the 1989 rape and torture of an American nun, Dianna Ortiz. In 1995, a Boston federal judge granted the plaintiffs over \$47 million in damages. Gramajo left the country—without paying a dime. A Miami court ordered former Haitian dictator Prosper Avril to pay \$41 million to six Haitians who alleged they had been tortured and imprisoned for opposing his military regime. Avril simply returned to Haiti.

Red Terror. Perhaps the case that best sums up the ease with which alleged war criminals can start life anew in the United States is a 1990 lawsuit filed against an Ethiopian man, Kelbessa Negewo. The plaintiffs, Atlanta resident Edgegayehu Taye and two other Ethiopian women, one now living in Los Angeles and the other in Canada, charged they were tortured, beaten, and raped by troops under Negewo's supervision during Ethiopia's so-called Red Terror campaign in the 1970s. Taye later sought exile in the United States, where she was getting on with her life. Then one day in 1990 she ran into Negewo, who was working as a bellman at the same Atlanta hotel where she worked as a waitress. She sued. A federal district judge awarded the three women \$500,000 each in damages.

Soon after the ruling, in a move that left even the judge scratching his head, the INS granted Negewo citizenship.