

Posted on Sun, Jun. 20, 2004

IMMIGRATION

Ruling details torture claims

A judge's deportation order provides details about alleged human rights violations by a former Honduran Army officer accused of complicity in a "dirty war."

BY ALFONSO CHARDY
achardy@herald.com

During a meeting with senior Honduran military officers in the early 1980s, the then-U.S. ambassador to the Central American country met a young Army officer, Lt. Col. Juan Evangelista López Grijalba.

Also at the meeting was a colonel picked to be the top Honduran military commander, who told Ambassador Jack Robert Binns that the only way to deal with leftist dissidents was "the Argentine way."

Binns took the statement to mean that the Honduran military intended to emulate the 1970s "dirty war" in Argentina, when soldiers kidnapped and killed thousands of government foes.

Some 20 years later, López Grijalba is one of the most prominent foreign torture suspects arrested since a program to track them down in the United States began four years ago.

Binns' recollection is contained in the opening paragraphs of a grim 16-page summary of testimony and other evidence that Miami immigration Judge Neale Foster signed June 8 ordering López Grijalba's deportation to Honduras.

Foster's written order, obtained by The Herald, marked the culmination of two years of proceedings in immigration court following López Grijalba's arrest in 2002. He is one of almost 100 torture suspects picked up around the country since 2000.

Foster concluded that following the fateful meeting between Binns and López Grijalba, the Honduran officer supervised an intelligence unit that operated as a veritable death squad, abducting and killing dozens of leftist activists during the 1980s.

At the time, Honduras was governed by a military-influenced civilian government closely allied with the Reagan administration, which used Honduras as a base of operations for the Nicaraguan contras.

López Grijalba, held at the Krome detention center in West Miami-Dade, could not be reached for comment.

NO APPEAL

His attorney, Grisel Ybarra, did not return calls seeking comment for this article. But when immigration authorities announced Judge Foster's decision two weeks ago, she said her client would not appeal the deportation order. She also suggested López Grijalba considers the allegations to be false.

"Mr. López Grijalba chose not to fight his deportation anymore," she said. "He's been in prison for over two years . . . and he's going home. He has no fear of going back to the country where the United States said he tortured people. It isn't that they won. He just gave up."

Barbara González, a spokeswoman for Immigration and Customs Enforcement, also declined to provide the judge's ruling. But she relayed a quote from a senior ICE official about the López Grijalba case:

"This country provides protection to those fleeing persecution," said Jesus Torres, special agent in charge of ICE's Miami office. ``Those persecutors who think that they can hide in our communities need to think twice."

One of the prime movers behind the torture suspect program has been South Florida human rights activist Richard Krieger, who relentlessly digs up clues on the whereabouts of suspects. He helped locate López Grijalba.

"Perpetrators cannot come to this country and try to hide . . . and assume they will not be found," Krieger said. ``This country will not be a haven for murderers and human rights violators from any nation."

GAVE ORDERS

While none of the witnesses cited in Foster's order saw López Grijalba kidnap, torture or kill anyone, some said he was aware of atrocities or gave orders to a unit specifically blamed for most of the abuses.

Foster cited a declassified CIA cable about the unit known as Battalion 316, which said it would be "under the direct control" of López Grijalba.

Another witness against López Grijalba was Julio Vásquez, a Honduran who allegedly was arrested and beaten by soldiers who may have belonged to 316.

During the arrest, while soldiers kicked and beat Vásquez on the ground, Vásquez said he saw López Grijalba arrive at the scene and do nothing to stop the abuse. Vásquez then described how he was tortured while in custody.

"They first started asking questions," Foster's ruling says. ``Then when he did not answer, he was subjected to electrical shocks to his testicles."

While the judge found witnesses against López Grijalba credible, he found defense witnesses not credible or of limited credibility.

One of the most prominent pro-López Grijalba witnesses was Felix Rodríguez, a Miami Cuban American who is a retired CIA officer.

Rodríguez said in court, according to the written ruling, that he met López Grijalba in the 1980s when Rodríguez was in Central America as part of a Nicaraguan contra resupply program.

Rodríguez was quoted as saying in the ruling that ``to his knowledge [López Grijalba] was not involved in human rights abuses."

But Foster said Rodríguez's testimony would be "given no weight" because in cross-examination Rodríguez acknowledged having been involved in an alleged human rights violation of his own -- the execution in 1967 in Bolivia of captured Cuban-Argentine guerrilla leader Ernesto "Ché" Guevara.

INFLUENCE

Rodríguez, reached at home, said the judge's decision was likely influenced by one of the government's trial attorneys in the case, whose father and Rodríguez know each other and disagree on U.S. policy.

That attorney is Anthony Maingot, whose father, Anthony Maingot Sr., is a professor at Florida International University. He and Rodríguez clashed on U.S. policy toward Cuba at a conference in a U.S. Air Force school several years ago.

Maingot Sr. said it was "ludicrous" to think his view would have influenced the judge's decision.

Gonzalez, the ICE spokeswoman, defended the immigration trial attorneys who handled the López Grijalba case.

"We are very confident that the attorneys litigating the case represented ICE in a professional and unbiased manner," she said.