

HONDURAN LINKED TO KILLINGS

Miami lawyer says charges are false

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By Gail Epstein Nieves

A senior Honduran military officer who lived freely in Miami until his April arrest on immigration violations is responsible for the torture, killings and disappearances of Honduran civilians, alleges a lawsuit filed by two torture victims.

The suit, filed last week in Miami, claims that former Honduran military intelligence chief Lt. Col. Juan Evangelista López Grijalba controlled a secretive CIA-trained battalion that gained a reputation as a death-and-torture squad in the early 1980s.

Among the plaintiffs: journalist Oscar Reyes and his wife Gloria Reyes, who claim that in 1982 masked kidnappers from Battalion 3-16 -- as the squad came to be known -- shocked their genitalia with electricity, beat them with rifle butts, and threatened to execute or rape them.

"It's necessary that they bring those people to account," said Oscar Reyes, a Washington, D.C.-based editor of a Spanish-language newspaper who is suing along with his wife and four relatives of two people who were "disappeared," allegedly by 3-16 or its affiliates.

But López Grijalba's lawyer in Miami, Grisel Ybarra, says the accusations in the lawsuit and the immigration case are false and based on incorrect information. She is appealing the deportation. A hearing is set for Aug. 8 at the Krome detention center.

Grijalba, 63, is not yet represented in the lawsuit, Ybarra said. Still, she called the claim "invalid" and flatly denied that López Grijalba ever commanded 3-16.

"He did not direct it, and I don't think he even knew about it. That's like saying the president of the United States was responsible for My Lai," she said, referring to the Vietnamese hamlet where U.S. soldiers in 1968 slaughtered civilians, including women and babies.

"When you have certain groups doing things that may be outside the law, not everyone knows about it," Ybarra said. But the Reyeses and their co-plaintiffs, who lost either a brother or father at the hands of alleged 3-16 members, insist that López Grijalba was directly in the know.

The group is represented by the San Francisco-based Center for Justice & Accountability, which says López Grijalba had "direct line command" of 3-16 or its affiliates during a time when up to 150 people were killed or tortured.

None of the plaintiffs accuse López Grijalba of hands-on involvement in their cases. But Joshua Sondheimer, the justice center's litigation director, said evidence shows López Grijalba was "involved in decisions about persons detained" by 316.

NO SAFE HAVEN

"The United States should not be a safe haven for foreign officials who ordered or allowed their subordinates to commit torture and political killings," Sondheimer said.

The suit is based on two federal laws that allow U.S. courts to assess damages against perpetrators of serious human rights violations committed abroad.

Federal courts can hear these cases when the alleged perpetrator is living or traveling in the United States.

The case has been assigned to U.S. District Judge Joan Lenard.

FACING DEPORTATION

The U.S. Immigration and Naturalization Service arrested López Grijalba and ordered him detained for deportation as part of a continuing U.S. government campaign to remove accused foreign torturers living here illegally.

INS spokeswoman Patricia Mancha said Grijalba is wanted on a homicide warrant issued by Honduran authorities in 1996.

The INS also has charged that López Grijalba is believed to be a "known persecutor" who committed serious crimes -- including murder, death threats and unlawful imprisonment - - before he arrived in the United States.

López Grijalba was linked to 3-16 in a declassified CIA document and in "The Facts Speak for Themselves," a report on disappearances by the national commissioner for the protection of human rights in Honduras.

But Ybarra says INS investigators did sloppy work. In López Grijalba's deportation appeal, she filed Honduran court documents stating that the 1996 warrant was voided on May 31. Contrary to INS accusations, she said, her client faces no pending Honduran charges.

Ybarra also filed with the court a letter she wrote to the U.S. State Department complaining about its "inaccurate" human rights reporting from Honduras. Last year, the department said López Grijalba was wanted in Honduras for crimes against civilians - an accusation used against him by INS and the immigration judge.

ERRORS ADMITTED

In a July 3 response, Cynthia R. Bunton, a State Department administrator, thanked Ybarra ``for bringing to our attention certain inaccurate statements in the 2001 Human Rights Report for Honduras. . . . We will ensure that the 2002 report contains the most accurate and up-to-date information available."

Bunton further offered to share that information with the immigration judge handling López Grijalba's case. Bunton did not specify which parts of the human rights report were inaccurate, but Ybarra said it was significant that Bunton acknowledged inaccuracies at all.

Ybarra said the State Department also "erroneously" reported about a Honduran amnesty policy that she claims applies to López Grijalba.

IMPACT OF AMNESTY

With amnesty, López Grijalba's case not to be deported would be greatly strengthened.

But Sondheimer of the Center for Justice said Ybarra's interpretation of the amnesty is in dispute.

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Staff writer Alfonso Chardy contributed to this report.