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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 02-22046-CIV-LENARD

OSCAR REYES, et al., Miami, Florida
Plaintiffs, March 16, 2006
vs. 9:20 a.m. to 12:50 p.m.

JUAN EVANGELISTA LOPEZ
GRIJALBA,
Defendant. Pages 1 to 107

BENCH TRIAL ON DAMAGES
BEFORE THE HONORABLE JOAN A. LENARD,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF: BENJAMINE REID, ESQ., AND
GUSTAVO BRAVO, ESQ.
CARLTON FIELDS
100 Southeast Second Street
Suite 4000
Miami, Florida 33131
-and-
MATTHEW EISENBRANDT, ESQ.
THE CENTER FOR JUSTICE &
ACCOUNTABILITY
870 Market Street, Suite 688
San Francisco, California 94102

REPORTED BY: LISA EDWARDS, CRR, RMR
Official Court Reporter
301 North Miami Avenue
Seventh Floor
Miami, Florida 33128
(305) 523-5499

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2 I N D E X

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4 Direct Cross Red.

5 WITNESSES FOR THE PLAINTIFFS:

6 Oscar J. Reyes 11

7 Gloria Flores de Reyes 59

8 EXHIBITS RECEIVED IN EVIDENCE PAGE

9 Plaintiffs' Exhibit Nos. 1-24 5

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1 law -

2 MR. REID: Certainly. Yes, ma'am.

3 THE COURT: based upon this hearing.

4 MR. REID: Yes.

5 Your Honor, let me begin with a few comments:

6 Given the fact that there was a default entered, of

7 course, the legal effect of that is that all pleadings,

8 all allegations in the complaint are now accepted as

9 factual.

10 Before the Court today, there will be two

11 witnesses: Mr. Oscar Reyes and Ms. Gloria Reyes, his

12 wife. We have affidavits from each of the Plaintiffs.

13 We have exhibits which I've offered, and I would tender

14 and move those into evidence at this time.

15 And there are other matters that have been

16 filed, affidavits and so forth, in the file that may

17 bear on various of the issues.

18 I thought what we would do is I would make a

19 few opening comments and then we would put the

20 witnesses on. Mrs. Reyes prefers to testify through an

21 interpreter.

22 THE COURT: That's fine.

23 MR. REID: Mr. Reyes will testify in English,

24 but may need an occasional boost from the interpreter.

25 THE COURT: That's fine also.

1 Thereupon -

2 THE COURT: Good morning. You may be seated.

3 Oscar Reyes, et al., versus Juan Evangelista

4 Lopez Grijalba, Case No. 02-22046.

5 Counsel, state your appearances, please, for

6 the record.

7 MR. REID: I'm Ben Reid. With me is Gus Bravo

8 from the firm Carlton Fields representing the

9 Plaintiffs.

10 THE COURT: Good morning.

11 MR. EISENBRANDT: Good morning, your Honor.

12 Matthew Eisenbrandt of the Center for Justice and

13 Accountability representing the Plaintiffs, your Honor.

14 THE COURT: Good morning. No one is here for

15 the Defendants, and default has been entered in this

16 matter. This matter is set today for a bench trial in

17 regard to the issue of damages.

18 You may proceed.

19 MR. REID: Yes, ma'am.

20 As a point of beginning, your Honor, may I

21 hand up a notebook of the exhibits that we have marked?

22 THE COURT: Yes, please.

23 Before I forget, I want to mention to you that

24 I want you to submit within a fairly short period of

25 time proposed findings of fact and conclusions of

1 MR. REID: Then I'll make a final argument -

2 THE COURT: Okay.

3 MR. REID: referring not only to that

4 testimony, but the other.

5 THE COURT: Do you want to move the exhibits

6 in toto at this point?

7 MR. REID: Yes. I'd like to move them in in

8 toto, and we'll be referring to them. This would be,

9 for the record, Exhibits 1 through 24.

10 THE COURT: They will be admitted as

11 Plaintiff's Exhibit 1 through 24.

12 (Whereupon, Plaintiffs' Exhibit Nos. 1-24

13 were entered into evidence.)

14 MR. REID: Your Honor, this case emanates from

15 a period of time in Honduras which began in the late

16 '70s and continued into the middle '80s.

17 During this time, Honduran security forces

18 carried out abductions, disappearances, extrajudicial

19 killings against people that the government at that

20 time thought to be subversives.

21 Typically, there would be - when people were

22 taken away, there would be no warrants; there would be

23 torture; oftentimes the victims would never be heard

24 from again. In some occasions, the bodies of the

25 victims would be found.

1 During this time, another consistent theme was
2 that the government and all the relatives denied that
3 any of this was taking place.

4 In fact, statistics tell us that through 1984,
5 there were at least 150 people who disappeared or who
6 were killed, and many more were abducted and tortured
7 and perhaps allowed to return.

8 That's the context that -- of the facts of the
9 case today that we'll be talking about, where those
10 facts unfolded. I'd like to show you a chart, just to
11 give you a frame of reference.

12 THE COURT: There is a button on there that
13 says "upper lamps."

14 MR. REID: Yes. There. I was told about
15 that.

16 I realized when I got here that maybe this
17 could have been written a little -- with bigger
18 letters. But I think on a close version you can see.

19 This essentially demonstrates the various
20 organizations falling under the military at the time
21 that we're talking about. G-2, if you see, is the
22 security, or is the intelligence group. I've put the
23 name of Colonel Grijalba there because he was the head
24 of G-2 at various times that are important to this
25 case.

1 Under that, you see Battalion 3-16. You will
2 hear about that.

3 Below that, you see something called DNI,
4 which was the national investigative police force.
5 Colonel Grijalba was likewise the head of that at
6 various points that are important to this case.

7 You also see ELACH, which was the Honduran
8 Anti-Communist Liberation Army. This just demonstrates
9 that Colonel Grijalba -- I realize this is really
10 related to liability; but just to give you a frame of
11 reference, it was through Battalion 3-16 and some of
12 these other organizations that the atrocities that
13 we're going to be talking about today were carried out
14 under the direct control of Colonel Grijalba.

15 THE COURT: Where is ELACH?

16 MR. REID: Oh, did I not put that on there?
17 I'm sorry. We left that one off.

18 THE COURT: Is that on the chart?

19 MR. REID: It's not on the chart. I realize
20 that. For some reason, we didn't put that on there.

21 THE COURT: Okay.

22 MR. REID: Now, Colonel Grijalba, in general,
23 just to give you a little something to see -- this is
24 not a great picture, but sometimes it helps just to
25 picture somebody. That is Colonel Grijalba, the

1 Defendant in this case.

2 And all of this will be tied together. I
3 think it's tied together especially good in the cable,
4 which is Exhibit 23. This is from the ambassador. He
5 writes, "I am deeply concerned at increasing evidence
6 of officially sponsored/sanctioned assassinations of
7 political and criminal targets, which clearly indicate
8 government of Honduras repression has built up ahead of
9 steam much faster than we had anticipated."

10 He was making an observation about what you're
11 going to hear specific details regarding today.

12 THE COURT: This was a cable by whom?

13 MR. REID: It was the ambassador. The date
14 was 1981.

15 THE COURT: The United States ambassador?

16 MR. REID: Yes; in Honduras. The date is
17 1981, which, as you'll hear the story, really begins
18 for these Plaintiffs the following year.

19 Now, again, for background -- and I'm
20 purposefully not going into great detail at this time,
21 because you'll hear that from the witnesses. I don't
22 want to repeat it at this point.

23 This action was brought under the Torture
24 Victim Protection Act and under the Alien Tort Claims
25 Act. It has six counts. Count 1 is brought on behalf

1 of Mr. and Mrs. Reyes, and it's a claim for torture.

2 Count 2 is brought by Martha Maddison, who
3 originally was referred to as Jane Doe 1 in the
4 complaint; and that is brought for the disappearance of
5 her brother, Hans Maddison.

6 Count 3 is brought by Martha Maddison and
7 Karen Burgos; and Karen Burgos was Jane Doe 2 for the
8 extrajudicial killing of their brother, Hans Maddison.

9 Count 4 is brought by Zenaida Velasquez and
10 Ricardo Velasquez. Zenaida is the sister. Ricardo is
11 the son of Manfredo Velasquez. That claim is brought
12 for torture.

13 Count 5 is brought by Ricardo for the
14 disappearance of his father.

15 Count 6 is brought by Zenaida and Ricardo for
16 the extrajudicial killing of their brother and father,
17 Manfredo.

18 These Plaintiffs seek compensatory damages,
19 which would include mental pain and suffering, anguish,
20 shock. They also seek punitive damages, which would
21 relate to the fact that the acts described in this case
22 were willful and wanton. They exhibit an utter
23 disregard for the potential consequences of the acts.
24 They are especially shocking. They're offensive.
25 They're not accepted by society.

1 The purpose, obviously, of the punitive award
2 is to punish the Defendant, although as you know the
3 Defendant has been deported. But also, and perhaps
4 more importantly, it is to deter others as well as this
5 Defendant, but others as well, even up till today, from
6 taking similar actions.

7 The evidence will demonstrate that the
8 behavior that occurred in this case with regard to
9 these Plaintiffs is beyond the pale of anything that
10 can ever be acceptable in the -- in terms of one human
11 dealing with another human being.

12 So that's really all I was going to say as
13 part of an opening.

14 At this point, Mr. Eisenbrandt is going to
15 call our first witness.

16 THE COURT: Call your first witness.

17 MR. BRAVO: Your Honor, at this time -- Gus
18 Bravo. I would call Oscar Reyes to the stand.
19 Thereupon--

20 OSCAR REYES

21 was called as a witness by the Plaintiffs and, having
22 been first duly sworn, testified as follows:

23 THE WITNESS: My name is Oscar J. Reyes.
24
25

1 DIRECT EXAMINATION

2 BY MR. BRAVO:

3 Q. Good morning, Mr. Reyes. Can you tell us where
4 you currently live?

5 A. I live in Vienna, Virginia, in 103 Casmar Street.
6 It's -- the zip code is 18 -- I forgot.

7 Q. That's okay.

8 Your date of birth, sir?

9 A. My date of birth is May 12, 1936.

10 Q. And where were you born?

11 A. I was born in Honduras in a seaport in the south
12 of the country called San Lorenzo.

13 Q. Your current occupation, sir?

14 A. I am now the membership director of the National
15 Association of Hispanic Publications. I retired last
16 year from the newspaper, El Pregonero in Washington.

17 Q. You were born in Honduras; that's correct?

18 A. Yes. In Honduras.

19 Q. Is that where you were educated as well?

20 A. I did my primary school in my hometown. My
21 secondary school was in Tegucigalpa, and then I moved
22 to Nicaragua and I studied journalism. I got my
23 bachelor's degree in journalism in the National
24 University of Nicaragua.

25 Q. Are you married?

1 A. Oh, yeah. I married in Nicaragua. My wife is a
2 Nicaraguan origin.

3 Q. So there was a period of time that you lived in
4 Nicaragua?

5 A. What?

6 Q. There was a period of time that you lived in
7 Nicaragua?

8 A. Yeah. I lived 12 years thereafter finishing my
9 studies in journalism. I started working in the
10 newspapers there.

11 Q. You mentioned you were educated in Nicaragua?

12 A. Yes. My bachelor's degree in journalism.

13 Q. And did you work in Nicaragua as well?

14 A. Yes. I still was in the university when I
15 started working as a reporter in La Noticia, a daily
16 newspaper there. And after that, I started working in
17 Diario La Prensa, Dr. Chamorros's daily, for seven
18 years. I was an assistant editor to that newspaper.

19 Q. And what did you do after working in La Prensa?

20 A. What?

21 Q. After you were the editor in La Prensa, what did
22 you do after that?

23 A. After that, I came back to Honduras because the
24 National University of Honduras, the president, asked
25 me to found the school of journalism. They needed a

1 school of journalism. I came back to Honduras and did
2 that work.

3 Q. Besides your bachelor degree, do you have any
4 other degrees?

5 A. Yes. I got my master's degree in Minnesota in
6 mass communication because when I was working in the
7 university, I saw that it was important to have a
8 higher degree to advance in my work in the university.

9 Then I got a scholarship from the government here in
10 the United States. I came to do my master and came
11 back to the university and continued working there.

12 I was -- I have a promotion. I was the -- a
13 full-time professor at the university. Yes.

14 Q. How long were you in the United States at the
15 University of Minnesota?

16 A. Two years, from 1974 to 1976.

17 Q. And after you graduated from the University of
18 Minnesota, that's when you came back to Honduras?

19 A. I came back to Honduras, started working again in
20 the university. I got a tenure in the faculty. And I
21 started advising also the government in the area of
22 communications.

23 Q. Did you have a specific position with the
24 government?

25 A. Yes. I was the advisor to the Minister of

1 Culture, Tourism and Information in the government over
2 there. The General Melgar was the president at that
3 time.

4 Q. What did you do for the government?

5 A. When they had anything related to communications
6 or to information, they send it to me and I would
7 advise in the government what to do and try to
8 propose -- everything related to the communications
9 area.

10 Q. You mentioned you were a professor at -- of
11 journalism at the university?

12 A. Yes. I was the director of the school for almost
13 12 years. I started in '70 until the day I was
14 abducted in '82. Then I was teaching some of the
15 classes, like ethics, like especially how to work in
16 the modern journalism. I was trying to prepare a new
17 way of journalism in my country. They were very low,
18 and I was preparing new journalists.

19 Q. Besides being a professor, did you have any other
20 occupations while you were in Honduras before 1982?

21 A. Yes, because I was advising the government until
22 '79, when I quit that, because the government changed.

23 I started a business. It was called Producciones
24 Cinematograficas. We were doing ads for television.

25 We were doing documentary films. I was advising also

1 as a consultant to some enterprises, teaching them how
2 to handle the advertising, how to handle the public
3 relations, how to handle the public opinion.

4 Q. Before 1982, did you ever meet the Defendant in
5 this case, Juan Lopez Grijalba?

6 A. Yes. Once. I have seen him in the newspapers,
7 of course.

8 But in '81, they went to my house. Some people
9 do it. I don't know exactly who. But at 3:00 in the
10 morning, they were machine guns. They were -- they
11 fired to the house at 3:00 in the morning. Then we
12 hear all this fire power.

13 Then when we could go out to see what happened,
14 we saw our cars destroyed, our house -- we saw a lot of
15 bullet holes.

16 When we were there, Colonel Grijalba came to this
17 scene in a Jeep. We saw more soldiers asking, "What
18 happened here?"

19 I told them, "They fired at my house."

20 "Oh," they say. "Well, we will investigate.
Don't worry about that."

22 But they never investigated. I told them, "Look
23 at these bullets. They are Army bullets. They are not
24 a pistol. They are Army bullets."

25 And then he said, "Okay. We will investigate."

1 And he left. The first time I saw him in front
2 each other.

3 Q. You mentioned you knew who he was, though, before
4 that?

5 A. What?

6 Q. You knew who --

7 A. Oh, yeah. Of course. He was the director of
8 DNI. Then he was all over in the newspaper because
9 they were doing a lot of things. Then usually they
10 publish things. His picture was in every place. Yeah.

11 Q. You mentioned they were doing a lot of things.

12 A. Yes. People know -- they were disappearing
13 people, people killed. There were a lot of turmoil.
14 They were doing torture. It was a vox populi that they
15 were doing. And sometimes the newspaper were
16 publishing that. Then I knew him because of the
17 pictures in the papers.

18 Q. If you look at the monitor, I've put up what's
19 been marked as Plaintiffs' Exhibit 3, if you look at
20 the monitor there.

21 A. Oh, yeah. That's Colonel Lopez Grijalba.

22 Q. You recognize the picture?

23 A. No doubt.

24 Q. That's the gentleman that came to your house in
25 1981?

1 A. Yes, he is.

2 Q. And you mentioned that he indicated that he would
3 investigate. Did anything come out of this?

4 A. Nothing. Absolutely. They didn't -- didn't do
5 anything.

6 Q. Do you have any idea why someone would shoot at
7 your house?

8 A. Because they knew my position against the torture
9 and against the prosecution and all these
10 disappearances, because I was not an active journalist.
11 But I was teaching journalism. My students were really
12 eager to know the truth. And from time to time when
13 there were some bigger cases, I used to write
14 condemning the torture, the violence and these things.

15 Q. Where did you live in approximately 1982 in
16 Honduras?

17 A. I lived in the east called Colonia Florencia. It
18 is near the university, because when I came back from
19 the United States after my master degree and I got
20 tenure, a real position in the university, I decide to
21 build my house nearby the campus.

22 Then I was probably less than a mile from the
23 campus in a very nice neighborhood at that time. I
24 think it was the best in the area. Then we built our
25 house in -- probably between late '78, early '77, '78.

1 Then we built our house in that neighborhood.
 2 Q. You said it was a pretty affluent neighborhood?
 3 A. Yeah. In that time, it was the best, I think.
 4 We choose that because it was very affluent and very
 5 nice and we were close to the campus and the
 6 university.
 7 Q. If you look at the monitor again, the television
 8 screen in front of you, I've put up a picture that's
 9 been marked as Plaintiffs' Exhibit 1 -- 11. I'm sorry.
 10 Do you recognize that picture?
 11 A. Yes. It's Avenida de Los Pinos from the east to
 12 the west. Our house was farther, almost to the end of
 13 that estate.
 14 Q. This estate -- this is Avenida de Los Pinos?
 15 A. Yes.
 16 Q. Your house was on this avenue?
 17 A. Yes, it was.
 18 Q. Up on the monitor now is what's been marked as
 19 Plaintiffs' Exhibit 12. Can you tell the Court what
 20 this picture is of?
 21 A. It's a picture of my house, a little different,
 22 because at that time we didn't have the second floor.
 23 In the area over the garage area, we have there a
 24 mini-market in the garage area and the area for the
 25 servants, and then our house. And the living house was

1 from the -- that part to the other side. It changed a
 2 little bit. The people that bought it changed it.
 3 But this is my house; or it was my house, at
 4 least.
 5 Q. You mentioned you had a mini-market in the garage
 6 area?
 7 A. Yes. They didn't have these doors. There were a
 8 fence that could move. And then because of the need of
 9 the area, there were no markets nearby, and my wife
 10 decide put a mini-market there.
 11 Then we used the garage area to go into. Then
 12 the area we have for our servants. We change that and
 13 we move them to the basement, and then we use that area
 14 to do the market because we build the house like the
 15 American. We have a basement. The first floor is to
 16 the level of the street, and then a basement in the
 17 down part.
 18 Q. Up in the monitor, Plaintiffs' Exhibit 12 -- 14;
 19 my apologies -- do you recognize this picture?
 20 A. Yes. In the left hand is the -- it was -- I
 21 think a nonprofit organization called -- how is the
 22 name? Golden, I think.
 23 Q. If you'd be more comfortable, tell them in
 24 Spanish what the name is.
 25 A. The name of the organization -- I don't remember

1 exactly. But it was an organization, a nonprofit
 2 organization there. And we lived in the front over the
 3 bush. This is a small bush. Almost in the front.
 4 Q. So what we're looking at here is that -- what
 5 street is this?
 6 A. Los Pinos, from the west to the east.
 7 Q. And your house was across the street?
 8 A. Across the street, yes, where this green bush is.
 9 Q. Did you know what this nonprofit organization
 10 was -- what it dedicated itself to?
 11 A. They were helping people. They were supported by
 12 the European, I think, Community, helping people.
 13 CEDEN, I think, is the name. CEDEN.
 14 Q. Earlier, I asked you if you had any idea as to
 15 why someone would shoot your home, shoot at your home
 16 in 1981.
 17 Were you at any point involved with any guerillas
 18 or any kind of criminal activity?
 19 A. Absolutely not.
 20 Q. Now, I want to talk now about the 1982 incident.
 21 A. Yes.
 22 Q. Tell us what the -- in your own words, obviously,
 23 what happened on July 8, 1982.
 24 A. About 9:00, 9:00 p.m., I was closing the
 25 mini-market. I was counting the money. And then a

1 guy -- there was a door. We got the door to keep the
 2 people, the items they were buying.
 3 Then I was counting the money. One of our
 4 employees, Roberto, was arranging this thing to close.
 5 A man approached the door and said, "Please give me a
 6 soda." And I was counting the money.
 7 And Roberto told him, "No. We already closed."
 8 He said "Please. I am thirsty. Please sell me
 9 the soda."
 10 I said, "Okay. Do it."
 11 Q. This man that you described: What was he
 12 wearing? What did he look like?
 13 A. A normal man. It was a dark face with the beard
 14 from the day. He was bringing a jean jacket. He looks
 15 normal.
 16 Then I said, "Okay. Sell it." When Roberto went
 17 to get the bottle, he jumped over the door. Roberto
 18 get nervous and dropped the bottle. At the noise, I
 19 put behind the door.
 20 I was thinking there was a robbery, right?
 21 Something.
 22 And I tell him, "Be kind, please. Don't make a
 23 foolish things. Take whatever you want. Don't kill
 24 the guy, please."
 25 He say, "Go out, son of a bitch. Go out from

1 there."

2 Q. What did you think was happening?

3 A. It was a robbery. I think they were going to get
4 the money from the mini-market, right?

5 Then I insist, "Okay. I will go out. Please
6 don't do a foolish thing. I will go out." I said,
7 "You can take whatever you want, including the money."
8 I get my hand out.

9 He take the money and say, "Go out."

10 Then I start walking out. When I was walking
11 out, he started walking back and opened the door. When
12 he opened the door, around five, six men in military
13 fatigue with arms and mask came into the house.

14 Q. What happened after they came into the house?

15 A. They started insulting us, immediately hitting us
16 with the rifles and pushing us back into the house. We
17 closed the mini-market, closed the kitchen and the
18 breakfast area and we went to one of the -- our living
19 rooms, the small one.

20 Q. If you look at the picture up on the screen, I
21 know it's somewhat different from what the house looked
22 like, but can you describe where the gentleman entered
23 from?

24 A. Okay. You see the door in the garage? There was
25 not a door. It was a fence, iron fence, that -- we

1 move it and open it and close.

2 Then he went in. And the door for the market was
3 inside, and then he jumped over the door. Then he went
4 through the servants' area to the kitchen and then he
5 crossed to the living room. When I -- we were there.
6 I was surprised that a lot of people, probably another
7 group, six or more people in fatigue with masks that
8 held my wife and my daughter in the floor.

9 Q. Who else besides yourself, your employee,
10 Roberto, your wife and your daughter was in the house
11 at that time?

12 A. There was another employee, a lady that was
13 sleeping in the basement. I hear forcing him to open
14 the door. She didn't want to open. But at the last
15 moment, they -- (witness confers with interpreter).

16 They broke the door and take it out also and
17 brought her up. Then we were me, Roberto, my wife, my
18 daughter and the other servant, Maria. They were in
19 the -- together in the room.

20 Q. Besides your daughter, did you have any other
children at that --

22 A. I have a boy. But my boy was coming to the
23 States on the next Saturday. And he asked as
24 permission to go to the movie with some friends. Then
25 he left the house, probably, 15 or 20 minutes before

1 the attack. He was not there at that moment.

2 Q. How old was your son?

3 A. Sixteen years old. He just finished the high
4 school.

5 Q. And your daughter: How old was she at the time?

6 A. Between 11 and 12 years.

7 Q. So then they take you into this room where you
8 see your daughter and your wife. What happened next?

9 A. They struck me the way they treated them, because
10 when we went in, my daughter tried to see what was
11 happening. And then he rise the head. One of the guys
12 with the boot smashed his head in the floor.

13 Q. Whose head? Whose head?

14 A. They break the lenses. She start crying.

15 Q. This was your daughter?

16 A. Yes.

17 Q. Do you need to take a break? You're okay?

18 A. No. I can continue.

19 Q. After you see the men strike your daughter's head
20 with the boot, what did you -- what happened next?

21 A. I couldn't see anymore, because immediately they
22 started putting us -- they got us with tape. They
23 blindfolded us with tape. They put me handcuff in the
24 back. I was the first one. I didn't see anything else
25 but the noise. They were doing these things to the

1 other people there.

2 Q. You mentioned that initially you thought it was a
3 robbery. Did you still think it was a robbery at this
4 point?

5 A. Of course not, because I saw the military. At
6 the beginning, maybe, because they can use uniforms and
7 disguise and do whatever they want. I was thinking
8 still that it was an assault.

9 But then I started hearing the walkie-talkies
10 communicating each other. And then I said, Yeah. This
11 is a military people. And then at some point I hear
12 that they have to bring us to the headquarters.

13 Then I thought, Okay. It's a military people.
14 Maybe in the headquarters I can explain what is
15 happening and be free.

16 But they were not that.

17 Q. You were describing how you were tied up and
18 gagged and blindfolded. You were still in the house at
19 this point?

20 A. Yeah. We were still in the house face down. And
21 then at a certain moment, we start hearing shoots,
22 right? The firing. And then there was a lot of
23 shooting. I don't know why. But we were there.

24 At a certain point, the shooting stopped. And
25 then probably they took almost half an hour to bring us

1 out.

2 Q. Were you taken out of the front of the house?

3 A. No. My wife and Roberto and me were taken
4 through the backyard, jumped the fence and put out in
5 the back of the house.

6 My daughter and the other servant -- I don't know
7 what happened at this moment. I was worried because I
8 didn't know what happened. I knew because of the noise
9 that the three of us were going to the back.

10 Q. And did they help you climb the wall to your
11 backyard?

12 A. Yeah. He could call that help. They were
13 pushing us and kicking us and hitting us with the
14 rifles and pushing us with the other side of the fence.
15 We get in a lot of bushes and things. Yeah.

16 And then they put us in a van. It's a van, a big
17 van. Then in the floor of the van, the three of us.

18 Q. And you didn't know where your daughter was at
19 that point?

20 A. No. I didn't know. And I didn't know about my
21 son.

22 Q. What happened after you were pushed and thrown
23 into the van?

24 A. They start asking questions about, Who were the
25 guerillas? Who were the leaders of the guerillas? Who

1 were helping the subversives?

2 I said, I don't know. The big problem is any
3 questions was hit with the rifles, kick and insult. It
4 was all the time. Every time they spoke, was hitting
5 us.

6 Q. Was that the first time you were given any
7 indication of what was going on by these people in the
8 masks?

9 A. No. I -- I didn't know exactly what happen. I
10 was waiting to go to the headquarters and explain and
11 receive an explanation of that. But they never were.

12 Q. Did they tell you why they were taking you and
13 detaining you?

14 A. No. Absolutely.

15 Q. So you're in this van with your wife and Roberto.
16 How long were you in the van?

17 A. We stayed there -- you know, you lose the idea of
18 time. But I suppose we were there probably between
19 half hour or one hour, waiting. I don't know what.

20 And it was fighting, shooting and shooting.

Q. Did the shooting stop at some point?

22 A. In the middle of the -- when they were taking us
23 from the house, it stopped. After that, it continue.

24 And then we were here because we were in the floor and
25 they were asking questions and hitting us.

1 And that was -- we stayed probably between half
2 hour and one hour, waiting.

3 Q. You mentioned your son had gone to the movie
4 theater with some friends?

5 A. Yes. And then it was really painful moment for
6 me because when we were there, we hear the people say,
7 "This is the guy we are waiting for." They shoot him.

8 And then in my -- how to say? I was thinking it
9 was my son coming back from the movie, because the
10 movie was in that area. And then we was -- I was
11 thinking maybe he could be him because I didn't know
12 anything about that.

13 Q. You mentioned that you heard them make a
14 reference to somebody?

15 A. Yes. They didn't say a name. They said, "This
16 is the guy we are looking for or waiting for,"
17 something like that.

18 Q. What happened after that?

19 A. Shoot.

20 Q. You heard gunshots?

21 A. Yes. We heard different because it was a nearby
22 shot. We were in the van and the street was nearby.

23 Q. The van: Where was it located? Was it in the
24 back part of your house?

25 A. In the back part of my house. Now there are

1 houses there. But at that time there was no houses in
2 that time because it was a new development. Then they
3 were paving that area, probably, to build any houses.
4 Then there was a small street in, like, a rotunda; and
5 the van was parking there, waiting for us.

6 Q. Did they take you anywhere in the van?

7 A. Yes. After we left the area, they started moving
8 around to confuse us because I was thinking, I want to
9 know where we are going. And then they drive probably
10 between half hour, 45 minutes to a house, a place.

11 Q. Did they tell you where you were going?

12 A. No. They never tell me nothing. Only that --
13 asking me questions and hitting me.

14 Q. What was this place that they took you to?

15 A. It was a house, because it was not a military
16 facility, because I know for -- because of the layout
17 that it was a house.

18 They brought to the house, in the front house.

19 They take us out of the van. I don't know where my
20 wife was taken. I don't know where Robert was taken.

21 They put me and pushed me in an aisle of the house.

22 Q. Were you still blindfolded and gagged?

23 A. Blindfolded, everything. Every person that was
24 passing there was kicking me and insulting me or giving
25 me a hit with the rifle. Everyone. I was there only

- 1 waiting for the next kick or the next hit.
 2 Q. And while you were laid in this aisle and people
 3 were kicking you, did anyone come by and tell you what
 you were -- why you were there?
 4 A. No. Absolutely.
 5 Q. What happened after -- were you taken anywhere
 6 after you were laying in this aisle?
 7 A. Yeah. They had me probably 15 minutes, something
 8 like that, kicking me. Then they bring me to another
 9 room.
 10 Q. And I know this is difficult to talk about. But
 11 can you tell the Court what happened at that point?
 12 A. Okay. At that point, then they take me the --
 13 take the tape from the mouth for a moment. And then
 14 they start repeating the question and asking me to
 15 answer. Who were the guerillas, the leaders, hiding,
 16 the people collaborating? I say no. Every time I say
 17 no, they put me electrical shock.
 18 Q. Where?
 19 A. Anywhere. The more painful areas. And then
 20 especially in the genitals. They were trying to -- I
 21 say, "I don't know. I don't know these people." And
 22 then again the same question. Another hit.
 23 Q. How long did this last?
 24 A. Probably it was 15 minutes, something like that.

- 1 They were not very long.
 2 Q. And what happened next?
 3 A. After that, they took me to another room. And
 4 that in my opinion was the big, big part of the torture
 5 for me, because they got a hook and put it in my
 6 handcuff and with a rope they put me in the air with my
 7 weight, because I have always been weight. It was
 8 painful. They started hitting me like a piñata. But
 9 not one. All of them. They were going from one side
 10 to the other side, hitting me, hitting me and asking
 11 the questions, asking the questions.
 12 And then I remember one particular hit that was
 13 very painful because I was bouncing from one side to
 14 the other side. And then one guy got the rifle and put
 15 it in my chest. And I think he broke my sternum or
 16 something, but it was very, very painful. I faint. I
 17 don't know exactly how many times I lost conscious,
 18 because I was being hit like a piñata.
 19 Q. How long did this last?
 20 A. It's difficult to say a period of time. You lose
 the idea. But at least it was one hour I was there
 21 hanging up.
 22 Okay. When they knew that they could not do
 23 anything, they stopped for a bit.
 24 Q. And they kept asking the same questions?

- 1 A. The same questions, yes. And when I didn't
 2 answer anything, one guy of the group say, "Okay. It's
 3 time to kill him. Brought him out."
 4 Q. You were taken down from the hook?
 5 A. Down through the rope. And they push me to out
 6 of the house. They put me in the front of the tree and
 7 say, "Okay. Shoot him."
 8 Q. And you were blindfolded?
 9 A. Blindfolded, yes. And I was handcuffed and
 10 everything. And I hear these shots.
 11 Q. What did you think?
 12 A. What could I say? It's, "God, please have mercy.
 13 Remember that I have a wife and two children."
 14 But at the moment, I knew that it was fake,
 15 because I didn't feel anything in my body.
 16 And then the guy say, "Okay. We will kill him
 17 tomorrow. Bring him -- bring him back in the house."
 18 Q. And where did they take you when they brought you
 19 back to the house?
 20 A. They brought me to another room. When I was in
 21 the front on the room, it was -- how to say? -- very
 22 bad smelling. Very bad smelling. It was ugly. They
 23 put me in the front of the room and they pushed me away
 24 down to the floor. There was a fecal, blood, urine;
 25 there was food. Everything. It looks to me that they

- 1 put there the torture people to rest a little bit.
 2 I get incredible feeling when I smell that. And
 3 I was my face there.
 4 I tried to wake up. I couldn't because I didn't
 5 hear where to get. And I was handcuffed in the back,
 6 and my feet tied. I get to sit, and I start moving
 7 around. And I feel that there was a closet. And then
 8 I knew that it was a room in the house, but it was
 9 painful.
 10 I stood there probably about two, three days. I
 11 don't remember exactly how long.
 12 Q. Was anyone else in the room with you during this
 13 time?
 14 A. I hear some noise in the closet. Probably there
 15 was another person there. But he couldn't speak
 16 because we were again -- I was gagged.
 17 Q. And did you know what was happening to your wife
 18 during this time?
 19 A. Oh, absolutely. I was worried. I was crying. I
 20 didn't know what happened to her; I didn't know what
 21 happened to my children.
 22 Q. You've mentioned you were approximately in this
 23 room for two or three days.
 24 A. Yes.
 25 Q. What happened after that?

1 A. In the next day, a person went into the house.
2 And he didn't tell me "son of a bitch" or whatever. He
3 was more courteous. And he told me, "How do you feel,
4 Professor?"

5 I say, "What do you think? How I can feel? Look
6 how are."

7 And he told me, "Don't worry. You will be not
8 tortured anymore."

9 Of course, I didn't believe it. But they didn't
10 torture me anymore. Only that night.

11 Q. Do you know who this person was?

12 A. No. But it was a different person from the
13 people in the house. He came from outside. And he
14 treat me with more courtesy.

15 Q. You were in this house for approximately two or
16 three days or -- I know you don't remember the amount
17 of time. But were you at some point then taken from
18 this house?

19 A. Yes. Probably these four days, they took me out
20 of the house. And they brought me to another car.
21 Then I found that my wife was there and Roberto was
22 there also.

23 And they said that they were bringing us to
24 the -- I don't remember exactly what they say. We are
25 going back to the city. Because somebody tell, "Why

1 didn't kill them?"

2 They said, "We have orders to bring them back to
3 the city."

4 But I didn't believe.

5 Q. You overheard someone saying this?

6 A. Yeah. The people talking about each other. "Why
7 you didn't kill them?"

8 They say, "No. We have orders to bring them
9 back."

10 Then I didn't believe. I was sure that they were
11 willing us to disappear, to kill us somewhere. I was
12 surprised when at the final moment we were in the city,
13 really, and we were in the front of the DNI offices,
14 National Director of Investigations. Yes.

15 Q. How did you know you were in the city?

16 A. Because of the noise of the city and the -- we
17 knew that I were in the city.

18 Then they told to the people -- they cleaned the
19 place because we want to bring these people in. And we
20 don't want to -- no one to see them.

21 Q. This is when you arrived at the DNI headquarters?

22 A. Yes. And the car went into the building, into
23 the area or the center.

24 Then they rushed us from that to a room, I think,
25 in the second floor of the building.

1 Then they took us the blindfold and the --

2 Q. Is this the first time you could -- that since
3 you were captured that you were -- the blindfolds were
4 taken out?

5 A. In no charge at this moment. No one tell me why
6 I was taken.

7 Q. And is this the first time you saw your wife?

8 A. Yes.

9 Q. You could see what she looked like?

10 A. Oh, you don't believe it. She was -- all the
11 breasts is black. Bruises all the face. She tell me
12 that she was abused with electrical shock in the vagina
13 and she was very painful for her. It was incredible
14 how was his chest.

15 Q. How did that make you feel?

16 A. They told me about the abdomen. Yeah. It was a
17 lot of pain.

18 Q. How did that make you feel?

19 A. It was really very, very painful. The first time
20 we were at least celebrating that we were not killed.

21 Q. You were taken -- you say you were taken to a
22 room at the DNI the headquarters?

23 A. Yes.

24 Q. What happened when you were taken to this room?

25 A. A few moments later, I need to follow; and I have

1 to follow a guy. For the first time, I was in front of

2 person and I could see. It was the actual director of
3 DNI. It was a major, Salazar, Juan Salazar. I was in
4 front of him. He and me.

5 Q. You recognized him?

6 A. Oh, yeah. I recognized him. I know who he is,
7 including -- and the first time I could spoke with a
8 person.

9 I asked, "What happened with us?"

10 They told me, "No. You know that you are a
11 subversives." And he started asking me the same
12 question. He wanted to know who were the guerillas,
13 the leaders, who were the people collaborating with
14 them.

15 I tell, "I don't know. I don't know any
16 relationship with these people. I am a professor at
17 the university."

18 Q. Did you know when they were referring to
19 guerillas what guerillas that were referring to?

20 A. I don't know, because the revolution in Nicaragua
21 have finished in '79. I was thinking they were talking
22 about the guerillas from El Salvador, because in the
23 other side they were the Contras because they were
24 not -- they were not -- they were supported by these
25 people.

1 Q. And after you denied these questions, having
2 knowledge about these guerillas, what was their
3 response, Mr. Salazar's response?

A. He didn't say me nothing. They brought me back
4 to the cell. And then they took my wife also, I think,
5 to be interrogated. We put us in a cell in the DNI
6 facilities.

7 Q. Were you accused of anything at this time?

8 A. They tell us I was subversive, but not a real
9 accusation, not a formal accusation. Never at this
10 particular moment.

11 Q. Were you at some point brought before a court or
12 a judge?

13 A. Yes. I was brought probably three, four days
14 after that. All people was thinking I was dead, and
15 they were denying any relationship with this.

16 Then they brought me to the court, probably,
17 three, four days later. And at the first time, I hear
18 that I was accused to be a subversive and I was facing
19 30 years' term of prison if they find me guilty.

20 Q. This was the first time any kind of formal
21 charges were --

22 A. Yes. It was the charge.

23 Q. How did you respond to those charges?

24 A. I said, "Judge, I don't have anything to do with
25

1 this. You know. I am a professor at the university.
2 I know people here. I don't have anything to do with
3 these things."

4 Q. What kind of physical shape, condition were you
5 in at this point?

6 A. That's an important thing, because I went to the
7 judge and said, "Look me. Look my wife, how we are.
8 We were tortured. I barely can move my hands."

9 And then I have all my chest completely black. I
10 told, "Look how we are. We need a doctor."

11 And he told me, "Okay. Okay."

12 Then they called the doctor of the prison, the
13 government, right? And he saw us and said, "Okay.
14 Yeah. No. They are good."

15 We were breathing. He said we were good. "They
16 can face the term of the prison." Then they didn't do
17 anything to help us through that.

18 And the judge said, "You have to be in prison,"
19 and sent me to the central prison and my wife to the
20 women's prison that day.

21 Q. This was different from the DNI jail you had been
22 in?

23 A. Yes. We were in the house. Then in the DNI and
24 then in the -- in the court and then to prison, the
25 central penitentiary.

1 Q. How long were you in the central penitentiary?

2 A. Probably a little more than five months.

3 Q. And do you remember the date that you were
4 released?

5 A. Yes. December 22 during the night hours.

6 Q. And tell the Court a little bit about what led to
7 your release.

8 A. Okay. At the beginning, they -- the military
9 told me, "You cannot speak, because your wife is in
10 prison and you are facing the -- that we can put her in
11 jail for 30 years."

12 Then I decide to -- not to say nothing to the
13 newspaper and wait.

14 Then during that period, the military people were
15 in my house 28 days. I didn't know what happened, but
16 of course later I was informed about that. And they
17 destroyed everything in my house and robbed everything.
18 They took whatever they wanted, whatever they see good,
19 and they destroyed everything. They was incredible,
20 all the damage they did.

21 You can see this --

22 Q. I'm showing you what's been marked for the record
23 as Exhibit 7, Plaintiffs' Exhibit 7, which is a
24 picture. Can you tell us what this picture is?

25 A. It was a master bed. In the front is the

1 bathroom. They destroyed all these things. You can --
2 I don't need to tell you too much. You can see how it
3 was. All the house was that way.

4 We didn't take a single pair of socks from that
5 house.

6 Q. This is another picture, Exhibit 8. Can you tell
7 us what this picture shows?

8 A. In the area of the market, they took everything.
9 Not a bottle, nothing. There was completely -- they
10 ransack the house. And we got this picture because
11 after the 28 of occupying the house, they try to force
12 my sister to sign that she was receiving the house in
13 good shape.

14 And then my neighbor in the front that is a
15 lawyer -- he came and crossed the street and went to my
16 sister and said, "Gloria, don't sign that. You cannot
17 sign that. The house -- your house is not that."

18 And then he get back, went to his house, get a
19 camera and took these pictures.

20 Q. These are the pictures we're looking at. One of
21 them is on your screen.

22 A. Yes. All the pictures which are taken by -- he
23 was supposed to be one witness here, Abogado Alvarez,
24 Volantino Alvarez, my neighbor.

25 Q. And what did your sister and this other gentleman

1 the --

2 A. She didn't sign. And then she took me pictures
3 and brought to the general and said, "This is your
4 professional army. Look what your army did to my
5 brother house."

6 Q. Which general was this?

7 A. General Gustavo Alvarez Martinez, was the head of
8 the army in Honduras, the man with the power in
9 Honduras.

10 Q. And did you know what Mr. Grijalba's position was
11 in the military at this time?

12 A. He was the G-2. He was almost his right hand.
13 He was always with him. He was his help.

14 Q. He was Mr. Alvarez's right-hand man?

15 A. Yes.

16 Q. So they took these pictures to General Alvarez.
17 What happens?

18 A. He didn't know that there was proof of the
19 destroyed, that they did in my house. Then he was
20 worried.

21 Then because they didn't have a formal
22 acquisition against me, they didn't have any proof.

23 And then my sister was pressuring, making
24 pressure to free us.

25 And says when he saw these pictures, "Okay. We

1 will -- we will free him. Give me a little time."

2 And then my sister told me, "They will go. They
3 will let you go free. But we have to wait." And then
4 he start postponing and postponing and postponing
5 things.

6 Q. And what did you do?

7 A. Then at the last moment, I was mad and say
8 because -- how they want?

9 And then they will free you with certain
10 conditions. You have to remain silent. You have to --
11 don't have to talk about torture. You will lose
12 whatever you lose. There is no way they can get you
13 back your things. And you have to leave the country.

14 I say, what is not -- you and your wife will be
15 in prison for 30 years.

16 Q. These were the options they gave you?

17 A. Yes.

18 I say, "Okay. No choice. They give me my
19 passports back and then I will leave the country."

20 They gave back the passports, and immediately we
21 send our children out to Houston.

22 Q. By this time -- I know you were in prison for
23 over five months.

24 A. Yes.

25 Q. You became aware of what had happened to your

1 children?

2 A. Yes. Yes. I became aware after I went out of
3 the prison. They told me that my daughter was brought
4 to a police station. She was in prison for one night.
5 And my sister find out where he was, and he fight for
6 her and she get the -- the girl back.

7 Then I knew that some friends, the fathers of my
8 son's friends that were with him to the movie -- when
9 they hear all the turmoil, all the shooting and the
10 radio station telling that was in my house, they rushed
11 to the movie and then took him and hid him.

12 Then when I received the passport with my wife,
13 we were one time in the -- between -- in the court. We
14 decided to send the children out and to come to the
15 States after we were free.

16 Q. Where did you send them to in the US?

17 A. To Houston. We sent them to -- on December 11.
18 We sent the children out to Houston.

19 Q. Did you have family, friends, relatives there?

20 A. My sister was there. I have one sister in
21 Houston and three in Seattle.

22 Q. So after you were given your passports and you
23 sent your children to Houston, what happened after
24 that?

25 A. Okay. We started pushing the deliberations. He

1 was always telling, "Wait and wait."

2 Then at some point I tell my sister, "Enough is
3 enough. I will start publishing. I will tell my story
4 in the newspapers next week if we don't receive a real
5 commitment to free us."

6 Then my sister talked to the general, okay?
7 "Oscar is going to write and say, 'Oh, we have an
8 arrangement.'"

9 He told, "Yeah, we have, but you are not the one
10 abiding it."

11 And then he said, "Okay. Now we have to go."
12 And then they decided to take us in secret. That the
13 reason nobody knew about us, because it was two days
14 before Christmas.

15 They went to -- for my wife around 5:00 in the
16 afternoon to take her outside to the prison. And
17 nobody knows about it. They took me from prison around
18 9:00 for the -- in the offices of the director of the
19 penitentiary and they brought us to a house of the wife
20 of some military.

21 Then we slept there under vigilance, and they
22 took out in the morning to the airport. We never see
23 our house back. We never knew anything about it from
24 prison to this house to the airport.

25 Q. Were you allowed to take anything with you?

1 A. Absolutely. We didn't have anything from our
2 house.
3 Q. Personal belongings?
4 A. Nothing. Absolutely nothing. We didn't see the
5 house until 17 years later.
6 Q. They take you to the airport?
7 A. Yes.
8 Q. What happened at the airport?
9 A. They put me in the front of of the immigration
10 people and told me, "Where are you going?"
11 I say, "I don't know. You are kicking me out of
12 the country. I don't know where I going."
13 "Where do you have family?" they tell me.
14 "I have a sister in Venezuela and three sisters,
15 four sisters in United States."
16 "You go to Venezuela."
17 And they put me a seal in my passport, "salida
18 solamente." Exit only. You cannot come back.
19 And I told, "Okay. What can I do? But I am
20 sick. My wife is sick. We are going to the States to
21 have some medical treatment."
22 Q. You hadn't gotten any proper medical treatment in
23 Honduras?
24 A. No. Absolutely. Never.
25 The only medical treatment was another prison

1 that they used to rub me every day, because I spent
2 almost -- all the prison term including when I came to
3 the States -- I didn't feel anything in this part of my
4 arms. And this guy was every night rubbing me, and
5 they used to put elastic band around my chest to let me
6 rest.
7 Q. This was another prisoner?
8 A. Another prisoner, yes.
9 Q. So you were then -- you came to the US?
10 A. Yes. When I was in the international area, we
11 have decide to come to the States. I have in my
12 passport a multi-visa, because I used to come to the
13 United States almost every year. I studied here and I
14 was invited two, three times by the State Department.
15 I was from here with visitation. I knew that I have a
16 valid visa.
17 Then, instead of taking the plane, they were
18 almost at the same time to Panama, to Venezuela. My
19 friend are helping me to get a seat in the plane to New
20 Orleans. He took the plane to New Orleans as a
21 tourist. We -- my friends get me a suit and they buy a
22 dress for Gloria. Together, they give us \$1,000
23 between all them.
24 Q. Is that all you had with you?
25 A. That was everything.

1 Q. You arrived at New Orleans. Where did you go
2 after that?
3 A. We changed planes immediately; and we were to
4 Houston to my sister house on the 23rd of December.
5 Next day, we celebrate the Christmas free with our
6 children.
7 Q. Is this the first time you were able to hug them
8 and kiss them?
9 A. Yes. We saw them sometimes in the prison because
10 they went to visit us. But they were crying. It was a
11 big painful.
12 Q. How long did you stay in Houston?
13 A. When I was in Houston, then I call my friend
14 then, because I didn't bring anything with me. One of
15 my friends came to Houston and brought me all the
16 papers, publications, everything related to my case.
17 And then with that papers, I fly to Washington to
18 a friend house, the godfather of my children. And then
19 we fly to there. We him, we prepare the documents and
20 I file for asylum on February 7 of '83. Immigration
21 sent my asylum papers. They told me that I could have
22 an answer in 90 days.
23 Q. How long did you --
24 A. I wait five years to get the asylum, because I
25 was pushing and pushing and pushing. Finally I got it.

1 Q. So during this time you weren't able to travel
2 anywhere?
3 A. No. Of course not. And I have the opportunity
4 to go out, because Pan American has offered me a
5 position in Mexico. In Venezuela they were calling me,
6 but my wife and me had decide to stay in this country
7 to be free for this thing.
8 Q. How --
9 A. And I didn't accept the position now because I
10 couldn't go out. If I left the country I couldn't come
11 back.
12 Q. How would you describe your economic situation
13 when you first came to the US?
14 A. Okay. You can imagine being a tenured professor,
15 having a business, having a house, to come here to live
16 in a friend house and to start working in odd jobs.
17 We were cleaning offices, cleaning house. My
18 wife was sewing in a factory.
19 My boy was -- instead of going to college, he
20 started working in a McDonald's. And they was really
21 hard to start a new life at almost 50 years, coming
22 from having everything to have nothing. It's very
23 difficult.
24 Q. Did you at some point become a US citizen?
25 A. Yes, because I decided -- we decided to stay

1 here. And then the -- when it was due to have my
2 residence, legal residence, I did it immediately and
3 immediately I started working in my papers when I was
4 time -- when I filed for citizenship. I got my citizen
5 in 1994. My family did it next year. Now they follow
6 us American citizens.

7 Q. Did you talk about what had happened to you in
8 Honduras when you first arrived in this country?

9 A. No, because, you know, I am a journalist and I
10 knew it was not be proper to start talking about this
11 while my asylum case was pending. And then first I
12 didn't spoke because the problem with my wife. I
13 didn't -- to put her in a difficult position.

14 When I came here, I filed for asylum and I said,
15 "I cannot talk. It would be a problem for me to start
16 talking." And then I didn't.

17 After five years or so when I got my citizenship,
18 then my wife said, "What the heck. Forget about that.
19 It was gone. We have to start a new life." And we
20 forget about that. And we didn't want to spoke about
21 this.

22 Q. What happened that led you to start talking about
23 what happened to you in Honduras?

24 A. Probably the -- really, they force me, because in
25 1984, I think --

1 Q. '84?

2 A. No, no. '94. I was a citizen already. '95.
3 One of the guys that were in that patrol in my house
4 that -- was in Spain because he was accused of another
5 crime. He went to Spain. He left.

6 Then Spain kick him out. He managed to come back
7 to Honduras with some kind of amnesty or thing.

8 And then he came back and published a book
9 calling in Spanish "Un Rayo de Luz." He tried to
10 justify all the abuses they did. And then he published
11 a book telling that it was a war between right and left
12 and democracy and subversion. And then in this book,
13 the first case he puts in the book is my case, my name.
14 I was one of the people involved in the subversion.

15 My picture, my curriculum, pictures that were in
16 my house, in my desk, my -- including my license from
17 Minnesota was there in that book. They accuse me to
18 having arms. I have grenades, everything. Everything,
19 the arms. And then my family called me and told me,
20 "You are here again in the newspapers?"

And then I say, "Send me, please, the" -- they
22 send me the photocopies. Then I say, "It is time to
23 speak."

24 And I prepare a series of four articles,
25 explaining what happened that night, the torture and

1 why I was silent for so many years. And then at that
2 particular time we decided to fight and clarify our
3 name and clarify this situation.

4 And then I went back to Honduras for the first
5 time.

6 Q. When was that that you went back to Honduras?

7 A. '96. And I put a case against one of the peoples
8 in that -- they told me that was the commander of this
9 small group that was in my house because of the book,
10 because I tell you, how can he get these photos, all
11 these items, because he was in my house.

12 And then I didn't accuse him of torture or
13 political things; but they ransacked my house, robbed
14 me, took everything there. And they did that things.
15 And he was the proof in the book because they were
16 there.

17 But, you know, justice doesn't work that way in
18 our country. The judge said that they were not enough
19 proof to get him condemned.

20 Q. Who was the person that you filed these charges
21 against?

22 A. Captain Billy Joya.

23 Q. He is the one that published the book?

24 A. Yes.

25 Q. The name of the book -- I know you said it in

1 Spanish earlier.

2 MR. BRAVO: Maybe the interpreter can give us
3 the title.

4 THE WITNESS: "Ray of Light."

5 THE INTERPRETER: The interpreter would inform
6 the Court it is "A Ray of Light."

7 THE WITNESS: "A Ray of Light," yeah. And he
8 was trying to justify the abuses. And then this was
9 the first time I came back to Honduras.

10 BY MR. BRAVO:

11 Q. And what did you do when you were there the first
12 time you were able to go back to Honduras?

13 A. The first to see my family, and then especially
14 work in that case. But it was a very emotional
15 situation, because the guy that bought my house --
16 because my family couldn't afford to pay the mortgage
17 and things and they have to sell my house for pennies.

18 And then the people that buy it invite me to a
19 dinner. And it was really very emotional --

20 Q. It was the first --

21 A. -- to see my house.

22 Q. The first time you saw your house since July
23 of --

24 A. After 17, the first time I saw my house, because
25 I didn't go back to Honduras earlier. They promised me

1 amnesty and things.

2 And I say, "I cannot accept amnesty. I didn't
3 commit any crime. What I want you to close my case,"
4 because the problem is they took me out of prison and
5 send me out of the country, but they didn't close the
6 case. The case was open.

7 And I go back. I could be in prison again. And
8 then we never came back until 17 years later that we
9 was protected with the Human Rights Commission because
10 of that case.

11 Q. This -- and Mr. Joya, the one that published the
12 book: You mentioned that he was a member of the -- one
13 of the groups?

14 A. The Battalion 3-16. He was part of that.

15 Q. Part of what?

16 A. Of the Battalion 3-16.

17 Q. What did this group --

18 A. The group was under the Colonel Grijalba.

19 Q. As far as you know, were they involved in what
20 happened to you on July of --

21 A. I was not aware of that, but some people told
22 that he was then included. They promised to testify.
23 But at the last moment, they didn't because I was here.
24 I didn't know. But they told me that is the
25 possibility to bring one of these guys to court because

1 we had proof that he was the one that was there. With
2 the book, I believe, it -- because he had my things.
3 We put the trial against him. We didn't do it. We
4 couldn't.

5 Q. A few more questions.

6 What was -- describe your medical condition and
7 the impact of what happened to you in 1982 when your
8 medical condition --

9 A. The impact is really very painful in the medical
10 condition and the emotional thing because, you know, I
11 receive the torture. No problem. It's passed.

12 But I still have problems with my arms. Easily
13 drop the things. I cannot hold straight. It is
14 difficult for me to comb my hair. It's difficult to me
15 to put my belt. And I still have pain, especially in
16 the winter, in my chest and especially the difficulty.
17 I cannot use my hands as good as I could before.

18 And emotional thing, of course, is painful,
19 because, you know, coming from the place we were to the
20 place we came here is very painful. And I -- I don't
21 know exactly.

22 Sometimes I'm more worried about my family, more
23 worried about my future; and it's hard for me that at
24 70, instead of enjoying my retirement, instead of
25 enjoying my grandchildren, I still working, because I

1 need to support my family.

2 Q. And what kind of impact have you observed in your
3 wife and your children that this event of 1982 -- what
4 kind of impact did it have?

5 A. Mostly insecurity, because my children couldn't
6 study. They came here. He was going to come to the
7 college here when we were in Honduras. When we came
8 here, we couldn't afford that. He started working in
9 7-Eleven.

10 Then when we get our legal situation, they
11 started studying. They still paying. He longs to
12 study, but we couldn't afford to do it. And then very
13 insecure because they still feel that the life -- you
14 can have something today and nothing tomorrow. And
15 they don't understand that.

16 My daughter is very difficult to get with the
17 people. He's suspicious, always nervous. He doesn't
18 like the people.

19 They are still having a lot of problems.

20 Q. And lastly, why did you decide to file this
21 lawsuit? What do you hope to get out of this?

22 A. I think it's a very important question, because I
23 know that it's damages that we are going to seek. But
24 I don't know -- that's good that we get them. But I
25 don't know that we get any money.

1 But my idea is, I think, I have to put my part to
2 make these people go to jail. I think it's my
3 responsibility as a journalist, as a citizen to stop
4 this madness. We cannot let these people, because they
5 are in government, to use our -- the power we gave to
6 them to kill people, to abduct people, to torture
7 people. This cannot be.

8 We are really interested in bringing these people
9 to jail. We will continue doing that until we can put
10 these people in jail. They have to pay. They have to
11 be responsible for the things they did. And I think
12 that we take this commitment.

13 We -- all of us people, journalists, lawyers,
14 judges, do this. Maybe we can stop this situation in
15 the war. I don't think it's proper to torture people.
16 They get -- without going in the house, without a judge
17 order to make the question.

18 They did it to me. They didn't have to torture
19 me, to put me in prison, to ransack my house. They
20 could ask me in the front in the court and I could
21 answer the same questions. And then we need to bring
22 these people to jail.

23 MR. BRAVO: Thank you, Mr. Reyes.

24 Your Honor, that's all the questions that I
25 have.

1 THE COURT: Thank you, Mr. Reyes. We'll take
2 a break now. Fifteen minutes.

3 (Thereupon a recess was taken, after which the
4 following proceedings were had:)

5 THE COURT: You may be seated.

6 We're back on Oscar Reyes and Gloria Reyes, et
7 al., versus Juan Evangelista Lopez Grijalba, Case No.
8 12-22046.

9 State your name, please.

10 MR. REID: Ben Reid and Gustavo Bravo from
11 Carlton Fields for the Plaintiffs.

12 MR. EISENBRANDT: Matthew Eisenbrandt, the
13 Center For Justice and Accountability, for the
14 Plaintiffs.

15 THE COURT: And there's no one appearing for
16 the Defendant.

17 You may proceed.

18 MR. EISENBRANDT: Thank you, your Honor. We
19 call Gloria Reyes.

20 (Thereupon, FRANCIS ICAZA was sworn to act as
21 interpreter.)

22 Thereupon--

23 GLORIA REYES

24 was called as a witness by the Plaintiffs and, having

25 been first duly sworn, testified as follows:

1 THE WITNESS: Good morning, Madam judge. My
2 name is Gloria Flores de Reyes.

3 DIRECT EXAMINATION

4 BY MR. EISENBRANDT:

5 Q. Mrs. Reyes, am I correct that you speak English
6 but you prefer to testify in Spanish today?

7 A. Yes. I feel more comfortable.

8 Q. Where do you live?

9 A. I live in Vienna, Virginia, Casmar -- 103 Casmar
10 Street.

11 Q. Who do you live with?

12 A. I live there with my husband.

13 Q. And your husband is Oscar Reyes?

14 A. My husband is Oscar Reyes.

15 THE COURT: Why don't we give the interpreter
16 a microphone also, so he doesn't have to yell.

17 THE COURTROOM DEPUTY: Sure.

18 THE COURT: Go ahead.

19 BY MR. EISENBRANDT:

20 Q. Mrs. Reyes, are you currently working?

A. No.

22 Q. How do you spend your time?

23 A. I take care of my smallest granddaughter.

24 Q. How many grandchildren do you have?

25 A. I have three from my daughter.

1 Q. How many children do you have?

2 A. I have two children: the boy, who is the eldest;
3 and the girl, who is the youngest.

4 Q. What country are you a citizen of?

5 A. Of the United States.

6 Q. Where were you born?

7 A. I was born in Managua, Nicaragua.

8 Q. When did you come to the United States?

9 A. In 1982.

10 Q. Let me talk to you a little bit about that year.

11 Where were you living at that time in 1982?

12 A. I arrived at the city of Tegucigalpa, Honduras.

13 Q. What was the name of your neighborhood there?

14 A. Colonia Florencia.

15 Q. Who did you live with?

16 A. I lived there with my husband, two children and
17 three servants.

18 Q. What kind of work did you do there?

19 A. I was a homemaker and a merchant.

20 Q. Tell us what life was like in Tegucigalpa in
21 1982.

22 A. Our life was a very happy life. But life in the
23 city of Tegucigalpa, Honduras, was a little unsecure.

24 And the reason was -- well, the reason was the

25 military. You would hear of disappearances of the

1 youths from the university and many house raids.

2 Q. Let me talk to you about the night of July 8th,
3 1982. What were you doing that night?

4 A. That night was the most horrible night of my
5 life. I was with my daughter watching television at
6 around about 9:00 at night, and it was my intention to
7 teach her to embroider. We were living a life the way
8 my parents had taught us.

9 In the hours that we would spend together, I
10 would teach her to embroider and to weave. Then
11 suddenly some men came in from the bottom part of the
12 house wearing masks, and they had weapons.

13 Q. Where were your husband at this time?

14 A. My husband was closing the mini-market, because
15 we would close at 9:00 at night.

16 Q. So then what happened when the masked men came
17 in?

18 A. They told us not to scream. They told us to
19 stand up. But at that moment, my husband was coming up
20 from the business into the little living room where we
21 were.

22 And he was -- I asked, and he was coming up with
23 other masked men and with the worker.

24 And then I asked him, "My love, what's

25 happening?"

1 At first, I thought they were guerillas. At
2 first, I thought they were coming in for the blue
3 jeans, because that was the rumor, that they would go
4 into the houses and they would steal clothes and food
5 and money. That was my first thought.

6 But at that moment, there was a shot; and they
7 forced us to lie on the ground -- on the floor. They
8 started to tie us up. The first thought I had was when
9 I had seen this in many photos, many terrorism photos.
10 I saw the walls of my house covered in blood. I closed
11 my eyes, and that's what I saw.

12 But at that moment, I heard the noise of
13 something breaking. And then I opened my eyes and I
14 came back to reality.

15 And then I saw -- see, my little daughter tried
16 to raise her head to see where we were. And that's
17 when I saw the man, the military man. He had placed
18 his boot on her head and he had broken her glasses.

19 Q. And then what happened next?

20 A. And then I heard that they were opening the
21 maids' door by force.

22 Q. Where was that door?

23 A. That was in the basement.

24 And since they hadn't done anything -- well, I
25 would beg them. And I would say, "Don't do anything to

1 her. She's a new girl. She's a good girl. Don't do
2 anything to her."

3 Q. And what did they do with the girl?

4 A. I didn't see or realize anything after that.
5 They started to gag me and to tie my hands with
6 ligatures as well as my feet.

7 Q. And then what did they do with you?

8 A. They held us there for about 20 minutes while
9 there was shooting going on.

10 Q. And what happened after those 20 minutes?

11 A. After those 20 minutes, they forced us to get up
12 and they forced us to go down to the basement.

13 I had the blindfold on, but I could see a little
14 bit through here. Once they took us down into the
15 basement, I saw the girl was down there; and I saw her,
16 that she was blindfolded and she was tied, tied at her
17 hands and feet. And I could see that she was okay.

18 Q. Where did they take you from there?

19 A. They crossed me over the yard of the house about
20 some 20 meters. It was very difficult, a very
21 difficult walk, because my feet were tied together and
22 I had no shoes on. I had lost my shoes.

23 So they grabbed me by the arms. They were
24 insulting me. They were calling me, "You old hag,"
25 this. And then they put me up on a ladder that they'd

1 already leaned against.

2 They threw me over into the empty lot. No. They
3 grabbed me. Well, I could hear that Oscar was coming
4 behind me and I could hear Oscar telling them that he
5 cannot go up while tied.

6 Q. Where did they take you after you were in the
7 empty lot?

8 A. They lifted me up and they took me to a van which
9 had doors on both sides into the back part.

10 Q. Who else was with you in the van?

11 A. In the van, we were put in first Oscar, then the
12 worker and then me.

13 Q. What were you thinking while you were sitting
14 there in the van?

15 A. While I was lying down in the van, all I could
16 think of was my children. I was thinking of my little
17 girl. I couldn't see her. I knew that the van had two
18 doors on the sides and one in the back.

19 And when the military people got -- well, at
20 first, I didn't know that they were military people.
21 They got in and then they closed -- I heard the closing
22 of the back door.

23 Q. How did you learn that they were military people?

24 A. Because I began to hear as I would hear on
25 television or in the movies that they would call each

1 other over a radio. "This is Command 16" -- well, you
2 see, I don't know. At this time, I don't remember
3 anymore.

4 Q. Did you hear anything else?

5 A. I heard a lot of shooting, a lot of firing. But
6 that's when my suffering started. I knew that my
7 husband was there.

8 I was wearing a red silk dress. The military men
9 began to touch me, to fondle me.

10 I would try to slide over to where the worker
11 was, but then I would feel that my whole body was
12 touching the worker as well. And because of shame, I
13 would try once again to try and straighten up. And
14 then the man would begin to touch me again.

15 And then at first -- well, I couldn't say
16 anything. First -- well, because of my husband. I
17 couldn't say anything because of my husband. It was
18 something very shameful, almost unexplainable.

19 Q. What happened then?

20 A. I don't know how long we were there. I don't
21 remember. It could have been two hours. I don't know.
22 And then suddenly I heard them say, "Here comes that
23 so-and-so that we've been waiting for."

24 Q. And when you heard this, what were you thinking?

25 A. I thought it was my son, who was coming back from

1 the movies.

2 And that caused horrible despair when I heard
3 that they were shooting at him.

Q. Was it actually your son?

A. Thank God, no.

Q. How did you find out that it was not your son?

A. I found out when they brought me before the judge
8 about eight days later after that, when I asked to see
9 the doctor, because I was feeling very bad.

10 And I ran into a neighbor, a woman who was the
11 mother-in-law to Dr. Chavez.

12 And she was screaming at me that because of me
13 they had killed her daughter in Colonia Florencia --
14 her son.

15 THE INTERPRETER: The interpreter stands
16 corrected.

17 BY MR. EISENBRANDT:

18 Q. What was her son's name?

19 A. Maddison. Maddison or something like that. I
20 don't recall.

21 Q. So then when you were in the van, did they take
22 you somewhere?

A. Yes.

Q. Where did they take you?

A. They took us -- well, first, they tried to

1 confuse us by going south. Then they did confuse me
2 later. And then we arrived at a place where they
3 opened some iron gates.

Q. Did you have any idea where you were?

A. No. I had no idea. But I heard noises of dogs
6 and people.

Q. Did they say anything to you when you arrived at
8 this gate?

A. No. It was just the man who kept on touching me
10 and fondling me.

Q. And then what happened?

A. They took me down first and they took me to a
13 room where they took off my -- and they began to ask me
14 questions and torture me.

Q. Where was Oscar at this time?

A. I did not know.

Q. Then what happened?

A. They began to ask me questions. They asked me
19 who lived next door, who were the neighbors, did I know
20 them, were they guerillas. Then they began to hit me
in the face, to slap me.

Q. How did they hit you? With hands or with sticks?

A. At first, with their hands. And later, they
24 began to take my clothes off.

25 They began to ask me questions as to whether

1 Oscar was a participant with the El Salvador guerillas.

2 They began first to get me wet. They would hit me in
3 my breasts and they would apply electrical prongs.

Q. How did you feel at that moment?

A. It is something that even at this time I am
6 unable to explain how I was able to withstand it.

Q. Where else on your body did they put the
8 electrical shocks?

A. First, in my genital area. Well, you see, first
10 they would hit me and they would hit me with what I
11 think was the rifle butt. I'm not sure. I don't know.

12 But they would hit me with something. And then they
13 would apply the electrical prongs. But first, they
14 would wet me down.

15 I believe I fainted once or twice. And the
16 interrogation would continue and they would say that I
17 had been trained about the guerillas and that's why I
18 wasn't talking.

19 I told them, "One moment. You're in my house.

20 You are searching my house. You know that I have
21 nothing. You know that I'm innocent. Why are you

22 doing these things? Why are you doing these things? I
23 can't stand it anymore."

24 I told them, "Why don't you stop for a moment?

25 If you are told that I have done something, then you

1 can kill me little by little. But why are you doing
2 this?"

Q. What's the next thing you remember?

A. I kept on saying to them, "If I am innocent, how
5 are you going to feel later?"

6 I believe that I must have fainted there for a
7 moment. The next thing that I remember, I woke up in
8 half a bathroom, naked, all tied up, incredibly cold.
9 And then I believe I fainted again.

10 And then the next thing I remember, I was once
11 again on the -- well, I think it was a torture table.

12 Then they would say that they were going to rape me.

13 I would say, "I don't think you're going to do
14 that, because you are the children of women. The
15 Virgin Mary was a woman. I am a woman."

16 Then there was dead silence. Then the
17 interrogations would continue, stupid interrogations
18 they were to me, because if they were in my house and I
19 had nothing, why did they continue torturing me?

Q. You said that you were on a torture table. Why
21 do you think that this was a torture table?

A. Well, because I was up high on a table. I was
23 naked. I was tied up. They had me tied up at the
24 moment with my legs spread open. And that's when they
25 would apply electrical shocks.

1 Q. Were you able to see anything in that room?

2 A. No.

3 Q. What happened next?

THE INTERPRETER: The interpreter requests
4 permission to consult with the witness on the use of an
5 expression.

6 THE COURT: Yes, sir.

7 THE INTERPRETER: (Confers with the witness.)

8 THE WITNESS: After that, I believe I fainted
9 again. The next thing I remember, they took me to
10 another room, another room where they were torturing a
11 boy, a young boy. The next thing I remember, they were
12 torturing a young boy on the floor.

13 BY MR. EISENBRANDT:

14 Q. Were they saying anything to the boy?

15 A. Yes. They were asking him whether he knew me,
16 whether I would go to the neighboring house.

17 And he would answer, "Yes, I know her. She
18 drives a red car. She has long black hair. And I've
19 never seen her cross over to the house across the way
20 to the house next door."

21 Q. What was happening to Oscar at this time?

22 A. I did not know. I knew nothing about Oscar. At
23 that moment, you don't think of anyone else because the
24 pain is so much. Everything hurts from the tip of your
25

1 hair to the tip of your toe.

2 As they were torturing this boy -- well, I
3 remembered that they used to call him Chele, C-H-E-L-E.
4 And that's how I knew he was fair skinned. And they
5 were torturing him and they were applying the
6 electrical shocks.

7 When I opened my eyes, I saw that there was
8 excrement there, blood, vomit.

9 Then I tried to turn over to the other side to
10 see if it was clean on that side, and it was the same.

11 And then I sat up. While I was sitting there, a
12 military man came over. And I could tell it was a
13 military man because I saw his boots. And he came to
14 me.

15 I began to complain. He came over to me and he
16 kicked me with his boot in my stomach. And he said,
17 "Die, you old so-and-so." And then I fell over. I
18 believe I fainted.

19 Q. Then what happened when you woke up?

20 A. And then a while later, another military man
21 came. And I could tell, because I could see the boots
22 through the space where I could look.

23 And he said, "Mrs. Gloria, you're going to need
24 some rags. When are you going to get your period?
25 You're getting your period."

1 And I said, "No. It is not my time yet."

2 He said, "Dona Gloria, Mrs. Gloria, everything is
3 over now. We're not going to do anything more to you.
4 We're going take you to a mattress."

5 Then the other bad guy came over and said, "Why
6 are you looking upon this so-and-so old woman?"

7 He said, "Shut up."

8 Then he said, "Here. Stand up."

9 I said, "No, son. I cannot."

10 He helped me and he took me over to a mattress.

11 And while I was on the mattress, I realized why
12 they were offering me some rags: because I was
13 ejecting water and blood from my vagina.

14 Q. During the time that you were in this place, did
15 you see or hear anyone else being tortured other than
16 this young man?

17 A. While I was in the room where I was there when
18 the man came over and he hit me, I realized that that
19 house had been prepared for torture, because there were
20 these pieces of metal to secure your feet. And then on
21 the walls there were these things kind of like to hang
22 people from.

23 Q. So you were -- when you were on the mattress --
24 to return to that point, you were on the mattress.

25 What happened after that?

1 A. The time -- I don't know how much time went by,
2 but I only ate once. So that's why I thought that only
3 one day had gone by.

4 The people -- well, there was one good person and
5 one bad person. Well, when the good guy was there he
6 would untie me and he would say, "Mrs. Gloria, don't
7 get up. Don't try and see anything. You'll get me
8 into trouble." I was afraid that we were being spied.

9 Then when the other guy came, the bad guy came,
10 he would beat me.

11 I would ask him to take me to the bathroom. The
12 second time I went to the bathroom, which was the same
13 half bathroom that I had already been in, I went --
14 when I went there, when I sat down, there was a person
15 underneath the sink who was in the same shape I was.
16 But she was dressed. She had a yellow skirt on, short,
17 with red and black, with red and black flowers.

18 I knew this was so because I could see her. I
19 could see. And she would beg. She was begging the man
20 who took her in there, the man who came there.

21 She would say, "Kill me. Please kill me. Don't
22 you see the state that you have me in?"

23 And it is horrible to listen to a person beg for
24 death, because -- well, I had just gone through the
25 same thing. And I could not imagine what they had done

1 to this poor woman.
 2 Q. You said that people were asking you about the
 3 house next door to you. Who owned that house?
 A. The owner was Dr. Arita Chinchilla. And he would
 4 rent it out.
 5 Q. Was Dr. Arita taken to this place where you were
 6 tortured?
 7 A. At first, I thought. You see, at the beginning
 8 of the torture, I told them that he was the owner of
 9 the house. Why not ask him who were the ones who were
 10 living in that house, to ask him their name?
 11 There was a moment when I heard -- well, I know
 12 now that it was Oscar. I heard him. And he would say
 13 to them, "Don't string me up. Don't you see how fat I
 14 am? Don't hit me."
 15 But at the time, I thought it was Dr. Chinchilla.
 16 Q. But it wasn't Dr. Chinchilla?
 17 A. But it wasn't Dr. Chinchilla. He was never taken
 18 there.
 19 Q. Who was it?
 20 A. Oscar.
 21 Q. Do you know what happened to the woman in the
 22 dress that you saw?
 23 A. Never. I never knew. And I always mention her
 24 to see if any of her family members will remember.

1 Q. Were you ever removed from this place and taken
 2 to another location?
 3 A. We were taken out eight days later. I can't
 4 really tell you. We were taken out and we were taken
 5 to the jail, to the DIN, the DIN.
 6 Q. When you say DIN, is that the same as the DNI?
 7 A. I don't know. Me, when it comes to politics, I
 8 don't know. I was a homemaker.
 9 Q. Were you taken there alone?
 10 A. No; with Oscar and Roberto.
 11 Q. Were you able to see Oscar?
 12 A. Yes. Just a little bit through the -- well, I
 13 could see him. And he was -- I could see he was dirty,
 14 like I could see myself.
 15 Q. So what happened then when you got to the DIN?
 16 A. When we were leaving that place and we were
 17 coming to Tegucigalpa, I could see that there was
 18 construction going on in the road. And the man said --
 19 well, I felt very cold. And the man said, "Here. At
 20 Cerro de Hule, they always have these construction
 21 problems."
 22 I leaned back; and you could see Tegucigalpa.
 23 They took us to the DIN and were separated.
 24 I asked -- I had spent several days without
 25 bathing. And I asked for some water. They brought me

1 a basin full of water. And with that water, I kind of
 2 washed myself; I washed my underwear; I washed my
 3 dress, which was silk. And I put them out to dry and I
 4 covered myself with a piece of sheet that was there.
 5 Q. What kind of a room were you in?
 6 A. It was a room, a very high room on the second
 7 floor with a bed and a piece of sheet. And there was
 8 nothing else in there.
 9 Q. What were you thinking while you were sitting in
 10 there?
 11 A. I was thinking of my children and my husband. I
 12 knew nothing of them. I was in great despair.
 13 Q. Were you always kept in that room?
 14 A. No. I was there for two days. I think it was
 15 while I got over my bruises.
 16 One morning, they came to tell me that my
 17 sister-in-law was coming to see us. They took me into
 18 the yard to bathe across from where the political
 19 prisoners were held, uncovered for me to bathe in front
 20 of them.
 21 I bathed fully clothed because I had to wash my
 22 hair and -- well, there I was, completely soaked in the
 23 cold of Tegucigalpa.
 24 Q. Then where were you taken after that?
 25 A. Back to the same room. I don't recall if I saw

1 my sister-in-law at the time. I don't recall anything
 2 else until they brought me back down.
 3 They took me to the cells. They told me, "You're
 4 going to go down to the men's cells, to the men's cells
 5 so that they can rape you."
 6 My panic was horrible.
 7 Q. Did they put you in the men's cells?
 8 A. No. They put me in the women's cells.
 9 While I was there, I saw Oscar and Roberto go by
 10 on their way to the military cells.
 11 Q. Were you ever taken before a judge?
 12 A. Yes; two days after we had been in the jail --
 13 well, at that place.
 14 Q. Tell us what happened when you saw the judge.
 15 A. Well, while we went to see the judge they took us
 16 in a car. In our country, they call it a Saranda. I
 17 don't know why.
 18 That's where I saw Oscar. Oscar showed me his
 19 chest and the shape that it was in. And he told me,
 20 "My ribs are broken."
 21 Q. What kind of medical problems did you have at
 22 that time?
 23 A. I had the problem with my vagina, which continued
 24 to discharge water and blood; pain in my abdomen; pain
 25 in my breasts that had gone black and blue; pain in my

1 arms.
 2 Q. So continue and tell us what happened when you
 3 saw the judge.
 A. When we got to the judge, he received a telephone
 4 call. He called me aside and he said, "Mrs. Gloria,
 5 everything's going to be fine. I have just received a
 6 call from my wife." He said not to worry, to be very
 7 careful with your case, because she had received calls
 8 from her -- from many friends, Christian friends, who
 9 were the ones who would come to my house to have prayer
 10 meetings.
 11 Q. This was the judge that was telling you this?
 12 A. Yes.
 13 Q. So then what happened with the judge?
 14 A. We were sent to the jail. Oscar was sent to the
 15 DIN. I don't know how you write it, but people in
 16 Honduras call it the DIN.
 17 And I was sent to the female prison.
 18 Q. At the time you were with the judge with these
 19 medical problems, were you ever examined?
 20 A. Yes. We told him that we were badly beaten.
 21 And then he send us to the doctor. That's when I
 22 ran across Maddison's mother. The doctor said that we
 23 were fine, that there was nothing wrong with us,
 24 perfect health conditions.
 25

1 Q. How long were you at the Tamara prison?
 2 A. Five and a half months.
 3 Q. Tell us what it was like to be at that prison.
 4 A. It was a jail that was run by nuns who had lost
 5 all experience or any contact with people. They were
 6 jailers wearing habits. I suffered horrors.
 7 It would take this whole year to tell you about
 8 five and a half months in that jail.
 9 (Witness crying.)
 10 THE COURT: Do you want to take a break?
 11 MR. EISENBRANDT: Sure. We can take a break,
 12 your Honor.
 13 THE COURT: It would be a good time to take a
 14 break for her. We'll take ten minutes.
 15 (Thereupon a recess was taken, after which the
 16 following proceedings were had:)
 17 THE COURT: You may be seated.
 18 We're back --
 19 THE WITNESS: I would extend my apologies to
 20 Madam Judge.
 THE COURT: You have nothing to apologize for.
 22 Nothing.
 23 Oscar Reyes and Gloria Reyes, et al., versus
 24 Juan Evangelista Lopez Grijalba, Case No. 02-22046.
 25 Just let me know if you need a break. If you

1 need a break, you absolutely can have a break. Okay?
 2 I know how difficult this is.
 3 THE WITNESS: No. I wish to continue.
 4 THE COURT: Okay.
 5 You may continue.
 6 MR. EISENBRANDT: Thank you, your Honor.
 7 THE COURT: You are still under oath, ma'am.
 8 THE WITNESS: Yes.
 9 MR. EISENBRANDT: Thank you, your Honor. I
 10 don't think we'll be too much longer with questions.
 11 THE COURT: Okay.
 12 BY MR. EISENBRANDT:
 13 Q. Mrs. Reyes, when did you get out of jail?
 14 A. On December the 23rd, 1982.
 15 Q. Where did you go from there?
 16 A. To the United States, to this country.
 17 Q. Were you permitted to return to Honduras?
 18 A. No. The passport read "No return."
 19 Q. Where did you go when you got to the United
 20 States?
 21 A. To my sister-in-law's house.
 22 Q. What was life like for you when you got to the
 23 United States?
 24 A. I can recall a little of the travel on the
 25 airplane with my husband. My husband asked me, "What

1 are we to do if they don't let us into the United
 2 States because of these false accusations that they've
 3 made against us?"
 4 And I responded, "God doesn't grant half
 5 miracles. And we will have a free country for our
 6 children."
 7 Q. How long did you live in that first place before
 8 moving elsewhere?
 9 A. We were there for around about a month and a few
 10 days.
 11 Q. How long was it before you ended up in Virginia,
 12 where you live now?
 13 A. A month and days. We arrived during the first
 14 days of February, the first or second of February. We
 15 arrived in Virginia.
 16 Q. What was life like for you once you got to
 17 Virginia?
 18 A. Different. Different. My life changed
 19 completely. After having employees and people who
 20 would serve me, I had to clean houses. But that wasn't
 21 so important, because for me the most important thing
 22 was my husband's safety and my children's safety.
 23 Q. Have you had continuing medical problems as a
 24 result of your torture?
 25 A. Oh, yes. If you'll recall, I was talking to you

1 about the hemorrhage, the bleeding that I had, combined
2 with water and blood. When we came here to clean
3 houses and clean offices, Oscar worked at a 7-Eleven.
We had no insurance. I had horrible abdominal pains.
4 And I would cure them with aspirin, with household
5 remedies, anything people would suggest.

6 Then -- until two years later, Oscar managed to
7 get a job with medical insurance. I went to the
8 doctor.

9 And he told me that I had ovarian problems.
10 Well, they -- we went to the -- well, they performed
11 the surgery. Well, the first time they couldn't
12 perform the surgery because I suffered a heart attack.

13 The second time, they performed the surgery; and
14 then they realized that my ovary had been destroyed.
15 My body had created kind of like a sac and it had kind
16 of created a cyst around it.

17 When I came out of the operating room, the doctor
18 called my husband and asked him, "Who has done this
19 thing? Why hasn't she seen a doctor? This is
20 something that is horrible for a human being. When you
21 ever need me, if you want me to provide testimony" --
22 you see, Oscar told him about our case -- he said, "I
23 am fully at your disposal for you to file charges."

24 Q. And you said this is over two years after you

1 came to the United States?

2 A. Two years after coming to the United States.

3 Q. Have you had psychological problems as a result
4 of your torture?

5 A. I have medications, lifetime medication for
6 depression.

7 Q. How has the whole situation affected your
8 children?

9 A. Many years later, when Oscar decided to speak --
10 and please don't ask me for the years; I don't remember
11 the years, the names -- a journalist from the
12 Washington Post came to interview us.

13 It was upon that day that we realized the extent
14 that our children had been affected, because when we
15 came to the United States, the only thing that we
16 brought with us was \$1,000 to our name. We had to
17 work. We had to work to pay for the apartment, to pay
18 for food. So we really couldn't provide psychological
19 care for our children.

20 We spoke to them. Well, when the psychiatrist
21 spoke to me at the jail, he had done a good job with
22 me. He asked me to talk to my children about all of
23 these problems as well as to my husband, that that
24 would help us greatly.

25 I spoke a lot. We in family -- in our family,

1 we've always been a very close family. We thought that
2 that would help all of us.

3 But when I told them that I had suffered greatly
4 in jail, it is horrible to see your 17-year-old son
5 come to the jail and ask you when you're in jail --
6 he'll ask, "Where is your God? Why you? Mommy, you
7 don't know how much I suffer."

8 And then see your 12-year-old daughter come and
9 say to you, "Mommy, when are you coming home? Mommy, I
10 really need you."

11 Q. Mrs. Reyes, why did you bring this case?

12 A. For justice. We are not a rich family. I am
13 very proud of my father. My father was an honest man.
14 He was a military man. No stains on his record. He
15 left us no fortune, but he left us a clean name.

16 I want my husband to leave a clean name to his
17 children as well. I want to cooperate. I want to
18 bring my little grain of sand for those who could not
19 speak. If God gave me the opportunity to be here today
20 in this free country, I want there to be justice.

21 That's why I'm here.

22 MR. EISENBRANDT: Thank you.

23 Your Honor, I don't have any other questions.

24 THE COURT: You may step down, ma'am. Thank
25 you.

1 MR. REID: All we have left is a short summary
2 that I was going to do, your Honor, if I may.

3 THE COURT: Okay.

4 MR. REID: Your Honor, as I mentioned when I
5 spoke early this morning, we have several clients who
6 are not here in person but who have filed affidavits.
7 I'd like to talk a little bit about the missing
8 Plaintiffs, if I might, and then end by discussing the
9 Reyeses.

10 I'd like to start by talking about the life of
11 Manfredo Velasquez. This is Manfredo. Manfredo is
12 represented in this case by his son, Ricardo, and his
13 sister, Zunaida.

14 He disappeared when he was 35 years old. He
15 had four children. He was studying economics. He had
16 been a primary schoolteacher. He had worked for the
17 National Service For the Eradication of Malaria in his
18 country. He had worked with farmers. At the time of
19 his disappearance, he was going to school in a
20 different city in order to better himself, which
21 required that he drive home on weekends. He was a hard
22 worker.

23 On the night of September 12, 1981 -- at this
24 point, Colonel Grijalba was the head of DNI. On that
25 night, a stranger knocked on his door; and then his

1 10-year-old son, Ricardo, answered the door. He woke
2 his dad up. His dad left with this man. That was the
3 last time Ricardo ever saw his father.

4 We understand. We have learned that there
5 were witnesses who later saw Manfredo that evening and
6 actually saw him being abducted in a parking lot. We
7 believe that he was interrogated, that he was tortured.

8 And in the records, Exhibit 22 is the
9 deposition of Leopoldo Aguilar. He was in the same
10 prison that Manfredo was held in at one point. He
11 spoke to Manfredo. Manfredo said, "Help me, help me"
12 in a voice with great pain.

13 That's the last time anyone saw or heard
14 anything about Manfredo.

15 His son, Ricardo, is now grown, continues to
16 live out of the United States. And his affidavit and
17 his story is told in Exhibit 16.

18 I'd like to talk a little bit about Ricardo's
19 claim of damage in this case. The most obvious is, of
20 course, that he lost his father.

21 Imagine the impact on a 10-year-old when your
22 father walks out the front door and says goodbye and
23 you never see him again. As you'll read in his
24 affidavit, for many years the boy felt that it was his
25 fault, because he opened the door and he let the

1 stranger in with whom his father left.

2 He had great fear that he may be kidnapped or
3 killed or harmed in some way as well. He became an
4 alcoholic at an early age. He has had trouble
5 throughout his life. That's all documented in his
6 affidavit.

7 But most importantly, he lacks any closure,
8 because he never heard what happened. It's one thing
9 to lose your father; it's another thing to feel that
10 you're responsible. But then to end the story by
11 saying, "But you will never know what happened" -- and
12 that's what this young boy had to grow up with.

13 The other Plaintiff is Zunaida. Her affidavit
14 is Exhibit 15. Her story begins with her receiving a
15 call from some anonymous source saying that Manfredo
16 was being held by the DNI the day after his
17 disappearance.

18 Now, that creates an enormous shock, because
19 she knew what the DNI was. You heard testimony today
20 that it was well known by people living in the country
21 that these types of abductions, tortures, murders were
22 going on.

23 Once again, she's never had closure. She
24 doesn't even know where her brother is buried.

25 Imagine her anguish. She searched for him

1 from jail to jail. She was rebuffed regularly by
2 officials.

3 In fact, for -- I'm not really sure how this
4 happened. But she was actually able to speak to the
5 president of Honduras about this, who assured her that
6 he would look into it. When she tried to make the
7 contact the next day, she was rebuffed again. She met
8 with officers; she met with her government officials;
9 she met with Colonel Grijalba. And to her face he lied
10 and said, "I don't know what happened."

11 She was abandoned by a friend. She received
12 threats. She was worried that she would be attacked or
13 punished by the military because she was trying to find
14 out what happened, because during this time the
15 government did not want people to know or to find out
16 what was really happening.

17 You'll read in her affidavit that she would
18 receive a call where a voice would say, "We know where
19 you live" or another voice that said, "We will rape
20 you." Those are the calls that she was receiving.

21 But she would not be dissuaded from her
22 attempt. She's an amazingly brave human being. She
23 filed cases. She went to hearings of courts and
24 proceedings. She filed a habeas corpus, criminal. She
25 went before the International Commission on Human

1 Rights. And the bottom line is, she never received any
2 real relief from any of these agencies.

3 That's one of the reasons she's in this court
4 in this case today. She appreciated that she was not
5 the only person that suffered this way, so she was
6 involved in founding the Committee For the Families of
7 the Detained and Disappeared in Honduras. Because of
8 that activity, she lost her job. She was fired.

9 You'll read that Adolfo Perez Esquivel, a
10 Nobel laureate from Argentina, was coming to her city.
11 She tried to meet with him to talk about this. She was
12 taken away by -- guess who? Agents of DNI. She was
13 pushed into a car and taken away. Fortunately, her --
14 the result was not as in many cases. She was
15 ultimately let go and so forth.

16 Her phone was tapped. Finally, she was
17 required to leave her country.

18 Now, you've heard two compelling stories today
19 about people forced to leave their country. She has
20 the same situation: She was forced to leave. And she
21 ultimately did receive asylum in the United States.
22 She watched her mother decline after her brother, her
23 mother's son, disappeared. Ultimately, her mother died
24 from a cerebral hemorrhage, which she certainly
25 believes is related to the stresses involved in this.

1 She is finally seeking justice, as is Ricardo,
2 her nephew, as a result of what happened in 1981.
3 That's the story of Manfredo.

I'm going to turn now to the other Plaintiffs.

4 The other Plaintiffs are all related to the raid on
5 Florencia Sur on the evening of July the 18th. We have
6 in the file Exhibit 21, the deposition of Julio
7 Vasquez. He and a friend were taken to police
8 headquarters on July the 7th. They were examined.
9 They were questioned. They were specifically asked
10 questions about the Reyes family, who they were, what
11 they did, exactly where they lived and so forth.

12 And Colonel Grijalba was there that day. The
13 interrogator went down the hall and spoke to -- with
14 Colonel Grijalba, motioning back. They came back.
15 They asked some more questions. Ultimately, they were
16 told that they were not to leave the city; but they
17 were allowed to leave. That was on July the 7th.

18 On July the 8th, which you now know is the
19 date of the raid earlier in the day, a young man named
20 Hans Maddison left his house to visit his brother; I
21 think to pick up a jacket, it was. He never got there.
22 He lived on the same streets as the Reyes family. He
23 never made it that night. I'll talk more about his
24 individual situation in a moment.

1 But at 9:00 that night, the raid began. And
2 you heard descriptions, and I will not repeat. It was
3 part of a large military operation. There were tanks
4 if the street. The witness that I just mentioned in
5 Exhibit 21 describes it, because he was there that
6 night as well. And the most important thing about his
7 testimony is that so was Colonel Grijalba.

8 He arrived in a Jeep. He was dressed in
9 fatigues. He appeared to be ordering people around.
10 He was present at the site of the raid on July the 8th.

11 And of course, as you've heard, that was the
12 evening that -- after which Hans Maddison was never
13 heard from again; and that was the evening that Oscar
14 and Gloria Reyes were taken away and the story that you
15 heard this morning.

16 I'd like to talk a little bit about the life
17 and death of Hans Maddison. That's a photograph of
18 him. Hans Maddison had moved to his sister's house to
19 work for a while before he planned to go back to school
20 to study engineering.

21 You'll read in the affidavits of a number of
22 his relatives that he was a kind young man. He was
23 intelligent. He was ambitious. He had great plans.
24 And he knew very few people in the neighborhood, which
25 makes the fact of his being arrested and taken away and

1 ultimately killed even more baffling, because he was
2 fairly new in the neighborhood. He wasn't someone that
3 the government would have been watching for some period
4 of time.

5 It may have been that his was just an
6 unfortunate mistake, his being present that night.

7 After he disappeared, his sister was told by
8 someone at the DNI that they got rid of Hans along the
9 northern highway. Ultimately, a bag of body parts
10 appeared. And from that, there was a dental prosthesis
11 which was given to Hans's mother which convinced her
12 that he was in fact killed.

13 And today you've heard the testimony of
14 Ms. Reyes with regard to her conversations and her
15 actually hearing the murder of Hans Maddison that
16 evening.

17 Ultimately, after many years -- actually, 13
18 years -- well, actually, let me back up.

19 You'll read in the affidavits the family was
20 afraid, again, much like in the other cases, to even
21 try to find out what happened, because just trying to
22 find out what happened upset people in power. So they
23 didn't for the longest time. But ultimately, his body
24 was exhumed or a body was exhumed and it was found to
25 be Hans.

1 I'll just show you -- this is Exhibit 1 in
2 evidence. This is from the autopsy report. There you
3 can see what happened to this young man. He was
4 beheaded. He had multiple skull fractures. He had a
5 broken back, internal injuries, the iliac region on
6 both sides, the legs. Finally, it was clear that he
7 was killed by a bullet wound to the back of the neck.

8 The family learned all of this after many
9 years. Now, his two sisters are Plaintiffs in this
10 case, Marta and Karen. Their affidavits are on Exhibit
11 18 and Exhibit 17, their affidavits.

12 And once again, in considering the damages,
13 the compensatory damages, you have the same story, the
14 shock of the disappearance, the lack of any knowledge
15 about what happened 13 years before they got the
16 inkling.

17 This mother also searched the country for
18 Hans. She would go around with a picture of her son to
19 people and -- at jails and officials and try to find
20 out if anyone had seen her son.

21 Her children say that with his death, the
22 mother lost all vitality.

23 They were totally immobilized by fear even
24 after they began to understand what happened, even
25 though they knew the truth. They received cruel

1 telephone calls. These people were relentless. They
2 would receive a call saying, "Your son, your brother,
3 is still alive. He's being held in a prison." It
wasn't true.

4 They were called once and they were told,
5 "Come down to this location. We have a whole file. We
6 have much information on your son." They rushed down
7 there, only to find an empty lot.

8 They're continuing to do this. They're
9 continuing to inflict mental anguish.

10 And it wasn't finally until -- unlike Zunaida
11 and Ricardo, who have never had closure, at least this
12 family had closure. They were finally permitted to
13 have a funeral and a proper burial in 1999, 17 years
14 after he had disappeared. That's the story of the life
15 and death of Hans Maddison.

16 I'd like to go back for one moment, if I
17 could, to Manfredo.

18 There wasn't a question, obviously, in the
19 family's mind of what happened. We know he was
20 abducted. We know he was in the prison when
21 Mr. Vasquez heard him talking.

22 But now we have a CIA table that was
23 ultimately declassified. And as you can see, it wasn't
24 all declassified. This is Exhibit -- I'll tell you the

1 exhibit number -- Exhibit 24. This was written in
2 1985.

3 The opening page said the Honduran leftists
4 executed by the Honduran anti-communist liberation army
5 between 1980 and 1984. The second subject are people
6 under surveillance. When you turn to the next page,
7 what one finds is the highlighted part.

8 At least nine Honduran leftists were kidnapped
9 and subsequently executed by ELACH at the order of the
10 national directorate of investigations, DNI. Each
11 ELACH conducted a kidnapping and -- I'm sorry. Each
12 ELACH conducted kidnapping and killing. Its action was
13 coordinated with DNI. And occasionally, personnel from
14 ELACH and DNI worked jointly in such operations.

15 This is the final word for the family of
16 Manfredo: individuals kidnapped and killed between
17 1980 and 1994. Angel, Manfredo Velasquez, among
18 others. So this was the final word, unfortunately, for
19 the family of Manfredo.

20 Finally, with regard to the claims in this
21 case, I want to talk about the Reyeses. I don't need
22 to summarize much, because you've heard it yourself.
23 Oscar was a journalist, a master's from the University
24 of Minnesota, a founder of the journalism school. He
25 was certainly a leading citizen in Honduras. He was a

1 professor, a businessman. His wife was a former
2 interior decorator and later a housewife. She was
3 raising the children. She was operating a little
4 market in the house.

5 So the question before the Court is: What
6 damage -- what is the basis for damage for these two
7 individuals?

8 It's interesting now that we know that Colonel
9 Grijalba had actually been there once before or knew
10 about or raided his house once before, the shooting
11 that occurred some time before. But the damages are
12 clearcut. You have the physical pain and suffering.
13 You have his descriptions of his treatment, kicked,
14 hoisted into the air, hit with rifles, electrical
15 shock.

16 But probably the greatest harm that he
17 suffered was the fact that he was separated from his
18 wife and his family and for a long period of time had
19 no idea what was happening to his wife or to his
20 children.

21 Imagine that. The physical pain is one thing;
22 but just the psychological pain, the mental pain of
23 knowing what was happening to him and knowing that his
24 wife and perhaps his daughter were being held by the
25 same animals that were doing this to him. The mock

1 execution, the condition of the room with the blood and
2 the urine and fecal material on the floor.

3 And Gloria's damages are similar: the
4 beatings, the electrical shock. Although it's not
5 clear, there's a very strong likelihood of a sexual
6 assault when you consider all the other evidence.

7 She likewise was separated, except on -- for a
8 short period of time she was able to actually hear what
9 was happening to her husband. She had no idea about
10 the children either. She had seen the police act very
11 roughly towards their daughter, the boot on the head.

12 But she didn't know for sure.

13 And it's interesting when you think about
14 this: the gratuitous things that -- a couple that just
15 struck me. When they finally allowed her to bathe,
16 they sent her into the yard so she would have to
17 disrobe in front of a wall of political prisoners.
18 That's when she told you she bathed with her clothes
19 on.

20 They told her she was going to be put in the
21 men's jail. Clearly, she wasn't going to be. But
22 again, little things they continually did throughout
23 the period.

24 Her house: You've seen the photographs. I
25 won't put them up again. The detention for five

1 months, being forced into exile with nothing. And in
2 this community, we all know people that that happened
3 to in the community of Miami in another setting, in
4 another time. But this is the most graphic description
5 of what led up to that fact.

6 And then we heard today about her continued
7 medical problems, the surgery and so forth.

8 That's the damage that these people have
9 suffered.

10 And so when the Court takes this under
11 advisement, the first thing that we have asked for is
12 obviously compensatory damages for each of the
13 Plaintiffs. And that really is clearcut. It's a
14 combination of mental damage and physical damage. The
15 physical damage, obviously, is centered on the Reyeses,
16 Mr. and Mrs. Reyes, plus the mental. The mental
17 damage -- the other Plaintiffs suffered enormous mental
18 anxiety, mental damage, mental suffering. That results
19 in the compensatory award.

20 But you heard both the Reyeses talk about why
21 they brought this suit. And in our system, we -- the
22 way you're required to get justice in a civil context
23 is through damage awards, and in this case a punitive
24 damage award.

25 This Court has charged juries on this very

1 topic, I understand, and in many cases on compensatory
2 and punitive awards. But what we have here is an
3 unimaginable infliction of evil by one human being on
4 another. That's the only way you can describe it.

5 The torture, the abduction, the brutal
6 murders, the denials, the retribution when people tried
7 to find out what was happening.

8 And when we focus on the Defendant, Colonel
9 Grijalba, he's been involved throughout. He knew about
10 the first raid on the Reyeses' home. He was present
11 the day before finding out information. He was present
12 the night of the raid. Yet he specifically when given
13 the opportunity denied that any of this happened.

14 He knew -- he knew, admitted in his deposition
15 that he knew that there were cases of atrocities. But
16 even when he was deposed in this case, the deposition
17 that caused the Court to deny the summary judgment
18 motion based on his testimony, even when he was
19 confronted with the evidence that you've heard today
20 with great portions of it, what does he do? Does he
21 say he's sorry? Does he -- he continues to say, "It
22 never happened."

23 The lack of any remorse is certainly an issue
24 that the Court -- a factor that the Court can consider
25 in determining an appropriate amount of punitive

1 damages.

2 Most interestingly or significantly, he had
3 the ability to stop these things. He was the head of
4 DNI. He was the head of -- then he moved up to G-2,
5 which was the intelligence group, above the other
6 groups. He had the ability to stop these things.

7 And instead, he just went along, being
8 promoted, being patted on the back, probably given
9 medals, being told, "You're doing the right thing; keep
10 going." That's what he did. And when we took his
11 deposition in this case, that's what he is still doing.

12 I would suggest -- we'll be submitting
13 findings of fact and so forth -- but in the case of Doe
14 versus Ceravia, 348 F.Supp. 2nd, 1112, that case grew
15 out of the murder of Archbishop Romero in El Salvador
16 some years ago. The Court had read a number of cases
17 under the various acts that we're proceeding under and
18 summarized the -- six criteria, six bases for an award
19 of damages. I think those bear mentioning in this
20 case, because they -- I think it'll be clear to the
21 Court why those six make sense in a case such as this.

22 The first is the brutality of the acts. I
23 don't need to say anything else about that, from
24 torture to mental -- mind-altering or mental attacks
25 through actual murder and denial and so forth.

1 The second is similar: egregiousness of the
2 conduct.

3 The third is the unavailable -- unavailability
4 of criminal remedies. In the affidavit you'll see, you
5 heard Mr. Reyes talk today about trying to prosecute a
6 criminal matter or have a matter prosecuted. You'll
7 see in Zunaida's affidavit that she tried a number of
8 different -- there was no relief anywhere. The
9 Honduran courts, Honduran government, would provide no
10 relief to these people in any way, shape or form.

11 Deterrence: I'm going to talk a little bit
12 about that in a moment. But that obviously is
13 important.

14 The fifth criteria is international
15 condemnation. There's no doubt that today in the world
16 there is almost universal condemnation of what was
17 happening in this part of the world at the time we're
18 talking about. And it continues today to -- with
19 regard to the similar behavior that may have happened
20 in other parts of the world since that time.

21 And finally, the purpose for this criteria is
22 to redress the wrongs. So what's the standard? I was
23 trying to think the other night. What do you say is
24 the right amount? I'm not going to say, because I
25 don't know.

1 But if you think about it, in our experience
2 in the American judicial system, we're all aware that
3 juries in this country and judges in some instances
award millions of dollars when a manufacturer is
negligent, careless.

6 We know that juries and judges and courts
7 award tens of millions and even more for reckless
8 behavior in the form of punitive damages.

9 Now, the Supreme Court has talked a little
10 about this; and they've said, for instance, that a
11 Constitutionally appropriate punitive award in
12 virtually all cases should never exceed single digits,
13 nine times the compensatory award.

14 But they've also made another point that I
15 think is interesting here. One of the criteria that
16 they've suggested that you can look at is what are
17 the -- in a civil wrong, what would the criminal
18 penalty -- the analogous criminal penalty be?

19 And so if you, you know, make a product and
20 you can go and see what the unfair trade practice -- or
21 the FTC might have penalties against the manufacturer
22 or so forth.

23 Well, in this case, one would have to reach
24 the conclusion that the criminal penalty for the
25 behavior in this case in virtually every state in the

1 country would be death. So in the civil -- in the
2 normal civil context, when courts look at that and
3 award millions or tens of millions, when the comparable
4 civil penalty is, you know, a fine of a half a million
5 dollars, here we're talking about a case where the
6 comparable criminal penalty would be death.

7 But we're talking about a civil case. We're
8 talking about dollars.

9 This is not a case about some bad acts that
10 happened 25 years ago in a small country. Some might
11 try to say that, "Well, it's a new government today.
12 General Alvarez is dead. Colonel Grijalba has been
13 deported. He's not in charge anymore."

14 But the fact is, this is still important
15 today. That's when we get to the deterrence criteria
16 that's so important. When Mr. and Mrs. Reyes spoke
17 about wanting justice, wanting to clear their name,
18 wanting to stop people from doing this, that was their
19 lay person's way of describing the criteria that is set
20 in law. And that is deterrence.

This verdict is for punishment, punitive
22 damages, but it's also to stop this from happening.
23 It's also to give final justice to these individuals
24 that are before the Court and final peace to these
25 individuals.

1 It's to give them -- it's to attempt to give
2 them the closure that they have -- that has never been
3 permitted, to finally have an opportunity to have this
4 Court consider their case and for this Court to decide
5 that a certain amount of money is the appropriate
6 remedy to deter others.

7 We have to admit. We all read the paper.
8 There are other -- there are people in the world today
9 who are doing some of the same things that we read --
10 that you've heard about in this case that were
11 happening in Honduras 25 years ago.

12 We know about trials. There are trials.
13 There was, you know, most recently the \$200 million
14 trial of Milosevic. There are trials for genocide
15 going on. There are claims of this in the world. This
16 is not a problem that happened at -- 25 years ago in a
17 small country to seven or eight or nine people.

18 So the purpose of this statute, the reason
19 Congress passed this statute, is so that we can say to
20 the world that this behavior is not appropriate,
21 whether it happened in Central America, in the '80s,
22 whether it happened in southern Europe in the '90s or
23 today in Africa or the Middle East or anywhere else.
24 This behavior has to be stopped. And that's why the
25 courts have been given the power to award damages in

1 cases such as this.

2 The only way to do it is to enter a
3 substantial punitive damage award.

4 Now, the Court's award, whatever it is, can't
5 bring back Manfredo. It can't bring back Hans. It
6 can't take away the years of loss and suffering of
7 Karen, of Marta, of Ricardo, of Zunaida. It can't
8 restore Oscar and Gloria to their lives that existed
9 before. It can't restore their children to the lives
10 they would have had.

11 But by your award, you can give their
12 suffering and their loss real meaning, because you can
13 say to the world that in this Court, and by extension
14 in this country, this should never happen again.

15 It's remarkable to think about this case.
16 This case started in the context of what you'd have to
17 describe as a total rejection of civilized society in
18 1981, and -- and it ends today in this temple of
19 justice that the world marvels at.

20 And when Gloria said during her testimony that
21 God doesn't grant half miracles and talking about
22 coming to the country, I think the ability to have this
23 case heard, to have gone from the total lack of
24 civilization to this Court today in front of this judge
25 is the completion of miracle that she was talking

1 about.

2 Thank you. With that, we rest.

3 THE COURT: I would like to have the
4 submission of proposed findings of facts and
5 conclusions of law by noon on the 24th, which is a week
6 from tomorrow.

7 MR. REID: We can do that.

8 THE COURT: Now I want to say something to the
9 Reyeses.

10 You have testified here today and the other
11 Plaintiffs have testified through the submission of
12 their affidavits of that which should never have to be
13 said, that which never should have to be heard, that
14 which never should have happened.

15 But you have spoken the truth. I know it is a
16 difficult truth, an emotional truth and a painful
17 truth. I know that these memories are so difficult and
18 so painful to think about, to speak about and to hear.

19 It is important that this truth be heard in
20 this forum. I know that no amount of money, no
21 judgment can ever really compensate you for what you
22 have endured and continue to endure.

23 I commend you for your great strength, both of
24 you. It is important for the world to hear what you
25 have said. Free people must know this truth to prevent

1 it from happening to anyone else or anywhere else.

2 I hope in my heart that you have received some
3 comfort from the knowledge that your testaments today
4 are now recorded in this public record and in the
5 history of our great country, the United States of
6 America.

7 Thank you. Please stand in recess.
8 (End of proceedings.)

9
10 C E R T I F I C A T E

11
12 I hereby certify that the foregoing is an
13 accurate transcription of the proceedings in the
14 above-entitled matter.

15
16
17
18 DATE LISA EDWARDS, CRR, RMR
19 Official United States Court Reporter
20 301 North Miami Avenue, Seventh Floor
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24
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