

VICTOR TORO in Federal Immigration Court

On Jan. 18, 2008, Victor Toro, historic leader of the Movement of the Revolutionary Left (MIR-Chile) appeared before immigration judge Paul Defonzo in the City of New York.

Toro was accompanied by his wife, Nieves Ayress, former political prisoner during the Pinochet dictatorship, and his daughter, Rosita Toro.

Also present in the courtroom was Jack Saul, Ph.D., director of the International Trauma Studies Program at Columbia University.

Toro was represented by attorneys Carlos Moreno and Abigail Cushing. The government was represented by the Office of the Chief Counsel.

People Support

While the hearing was being conducted in the courtroom, there was a demonstration in support of Victor Toro at Foley Square in lower Manhattan.

Among those present at the demonstration were members of the Toro Legal Defense Committee, such as Arturo Perez Saad; George Gruenthal; Teresa Gutierrez of the May 1st Coalition for Immigrant Rights; Virginia Ayress; Daniel Vila; the Venegas Brothers (Hip Hop); Rebeldia; San Romero Church; Harry from the community gardens; Anne Pruden of 1199 and the IAC; as well as Marianela Tricoche of Trabajadores por la Paz. Also present were Tatiana Bejar from the Human Rights Project and David Wilson, co-author, with Jane Guskin, of the book *The Politics of Immigration*.

The Judge & the Lawyers

Judge Paul Defonzo read the document containing the charges against Victor Toro and attorneys Carlos Moreno and Abigail Cushing made applications for political asylum pursuant to Section 208 of the Immigration and Nationality Act (The Act), Withholding of Removal pursuant to Section 241(b)(3) of The Act, Cancellation of Removal under Section 240 of The Act, and relief under Article III of the Convention Against Torture.

The next hearing will take place on August 15, 2008 and at that time all applications and supporting documents will be filed as required by procedural law.

Politics & History in the Court

Given the highly political nature of this case and the relevance of recent Chilean and US history, attorneys for Toro anticipate introducing evidence about the coup de' eta which overthrew the democratically elected government of the Popular Unity (UP) lead by President Salvador Allende(1970-1973), killed in combat against reactionary forces during the coup.

One such piece of evidence will be the report prepared and presented by Senator Frank Church before the U.S. Congress in 1976, coincidentally the year Toro was expelled from Chile.

This report proved, beyond the shadow of a doubt, that the Richard Nixon-Henry Kissinger administration financed the coup which toppled the Allende government.

Toro's legal team will also introduce testimony from experts on Operation Condor, the intelligence sharing program among military dictatorships in South America and the CIA created to kill political dissidents in the 1970s.

This is relevant to Toro's claim for asylum because this program was going on while he was outside of Chile, which is where most of the attacks took place during the Pinochet government (Bernardo Leighton (DC), Italy, 1975; Carlos Altamirano (PS), Spain, 1975; Edgardo Enrique (MIR), Argentina, 1975; Jorge Fuentes (MIR), Paraguay, 1975).

This infamous operation even carried out terrorist acts on US soil as was the case with the assassination of Orlando Letelier (PS) and his secretary Ronni Muffitt in Washington, DC in 1976.

Amongst the experts who have already agreed to testify on Victor Toro's behalf are Prof. Patrice McSherry, author of the text *Predatory States: Operation Condor and Covert War in Latin America*, Temma Kaplan, author of the book *Taking Back the Streets*, Fran Geteles, a psychologist, graduate of Columbia University, with vast experience in the field of psychological trauma of victims of torture and Jack Saul, Ph.D., mentioned above.

Other experts being contacted by Toro's legal team include Noam Chomsky, James Petras and Peter Kornbluth, author of *The Pinochet Files*.



Victor Toro: Combativeness & Solidarity

It is important to point out that during the hearing, Toro displayed a combative attitude which he has come to be known for. He faced the judge with revolutionary courage and dignity.

It also should be pointed out that right in the federal building in lower Manhattan, where his future was being decided, Toro wore on his jacket a picture of Patricia Troncoso, a Mapuche leader on a hunger strike for over 100 days, which has been met with callous disregard by the government of Chilean president Michelle Bachelet. This manifestation of solidarity was not lost among those who know Toro. We have come to expect such gestures from him.

That attitude which leads Toro to put other people's interest before his own, to raise the flag of the oppressed people of the world has earned him a well-deserved place in the Guevarist pedestal because Toro understands that while it is important to face one's own obstacles with courage and dignity, one should always be mindful of the concerns of others.

As Che eloquently put it, "solidarity is the tenderness of the people." That is why all of us, lawyers, activists, professors, workers, students, ask that Victor Toro be granted asylum without reservations, as he is as deserving of such relief as one is likely to find. In addition, we demand what the people want: amnesty for all!

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VICTOR TORO

En la Corte Federal de Inmigración

Hoy, 18 de enero del 2008, Victor Toro, historico dirigente del Movimiento de Izquierda Revolucionaria(MIR-Chileno), comparecio ante el juez federal de inmigración Paul Defonzo en la ciudad de New York.

Victor Toro estuvo acompañado de su esposa, Nieves Ayress, ex-prisionera politica durante la dictadura de Pinochet y su hija, Rosita Toro. Tambien estuvo presente en la sala de la corte Jack Saul, Ph.D. Director del programa internacional de Traumas de Columbia University.

La representación de Toro estuvo a cargo de los abogados Carlos Moreno y Abigail Cushing.

Calor de pueblo

Mientras al audiencia se desarrollaba en el salon de la corte del edificio federal, afuera, en el parque Foley Square de Manhattan , se realizaba una manifestación en apoyo a Victor Toro. Entres los presentes estuvieron miembros del Comite de Defensa de Victor Toro, tales como Arturo Pérez Sáad, George Gruenthal, Teresa Gutierrez de la Coalición Primero de Mayo, Virginia Ayress, San Romero Church, Daniel Vila de Working Peoples News y Marianela Tricoche de Trabajadores por la Paz.

Tambien estuvieron presente Tatiana Bejar del Human Rights Project y David Wilson co-autor, con Jane Gaskin del Libro *The Politics of Immigration*.

El juez y los abogados

El juez Paul Defonzo leyo en documento conteniendo los cargos contra Victor Toro y los abogados de Toro, Carlos Moreno y Abigail Cushing, indicaron que presentarian solicitudes de asilo politico amparados en la seccion 208 del Acta de Inmigracion y Naturalization, suspencion de deportacion bajo la seccion 241(b)(3) del Acta de Inmigracion y Naturalizacion, Cancelacion de Deportacion bajo la seccion 240 de la misma Acta y proteccion bajo el Articulo III de la Convencion Contra la Tortura. La proxima audiencia sera el 15 de agosto de este ano, en cuyo momento sera necesario la presentacion de todas las aplicaciones y la documentacion necesaria para sustentar las pruebas requeridas por la ley.

Politica e historia en la corte

Dada la naturaleza politica de este caso y dada la relevancia de los hechos historicos del pasado reciente chileno y norteamericano, se anticipa que la documentacion presentada por el equipo legal de Victor Toro incluire informes detallados sobre el golpe militar que derroco al democraticamente electo gobierno de la Unidad Popular(UP) liderado por Salvador Allende(1970-1973), muerto en Combate contras las tropas de la reaccion.

Entre estos estara el reporte de la comision del senador federal Frank Church(1924-1984) ante el congreso de los Estados Unidos en 1976, el ano en que Victor Toro es expulsado de Chile.

Esta comision comprobo que el gobierno norteamericano, bajo la administracion de Richard Nixon-Henry Kissinger, financio el golpe de estado que derroco el gobierno de la UP.

Tambien se presentara el testimonio de expertos en el programa de Operacion Condor, nombre con el que es conocido el plan de inteligencia y coordinacion entre los servicios de seguridad de las dictaduras militares del Cono Sur y la CIA para asesinar a disidentes politicos en la decada de los 70s, ya que dicho programa estuvo en ejecucion en momentos en que Victor Toro estaba fuera de Chile, y fue fuera de Chile donde se cometieron los principales atentados contra los oponentes de la dictadura de Augusto Pinochet (Bernardo Leighton, Italia, 1975, Carlos Altamirano (PS), Espana, 1975, Edgardo Enrique (MIR), Argentina 1975, Jorge Fuentes (MIR), Paraguay, 1975).

Esta funesta operacion cometio incluso actos terroristas dentro de los Estados Unidos como fue el asesinato de Orlando Letelier(PS) y su Secretaria, Ronni Muffitt, en Washington, DC en 1976.

Entre los expertos que ya han confirmado su participacion en el caso se encuentran la profesora Patrice McSherry, autora del libro *Predatory States: Operation Condor and Covert War in Latin America*, Temma Kaplan autora del libro *Taking Back the Streets*, Fran Geteles, psicologa graduada de Columbia University con amplia experiencia en el tema de la



Rosita Toro,
Victor Toro
and Nieves
Ayress

secuelas psicologicas de la tortura y Jack Saul, Ph. D. de la escuela de salud publica de Columbia University.

Otros expertos que estan siendo contactados por el equipo legal de Victor Toro incluyen a Noam Chomsky, James Petras y Peter Kornbluth, autor de *The Pinochet File*.

Victor Toro: combatividad y solidaridad

Hay que destacar el espiritu combativo y solidario de Victor Toro. Su actitud firme y directa se dejo ver una vez mas en su comportamiento ante el juez Defonzo.

Meritorio tambien es senalar que en pleno edificio federal de Manhattan, donde se decidia su futuro, victor llevaba en su jacket una foto de Patricia Troncoso, activista Mapuche que lleva mas de 100 dias en huelga de hambre ante la indiferencia negligente del gobierno de Michelle Bachelet.

Por esa actitud que lo lleva a pensar en los demas antes que en el, a levantar la bandera de los oprimidos del mundo, Victor Toro tiene un merecido lugar en el pedestal guevarista porque entiende que hay que endurecerse pero sin perder la ternura por os demas.

Por eso, nosotros, abogados, activistas, profesores, trabajadores, gente de pueblo, pedimos asilo politico incondicional para Victor Toro. Si no lo merece el, quien? Ademas, reclamamos lo que reclama la mayoria: que se conceda la amnistia!

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