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40-years on, Chile torture victim finally finds justice

After nearly 40 years of exile in a London suburb, Leopoldo García is the first Chilean torture survivor to win a landmark court case. The Inter-American Court of Human Rights has just ruled that Chile should find those responsible for his abuse and award him compensation. This is his story of abuse, struggle and survival.

For Leopoldo García, who is now 80-years-old, it's impossible to forget, even for a single day, the torture he suffered under the Pinochet regime 40 years ago.

Every time he looks at the mirror he can see the marks and scars.

"I lost my teeth, the scar in my face is the result of a hit with a butt of a machine gun, my arm is broken and my spine still damaged ... It's a disaster. Even now I live with what happened to me at that time ... and I will die with it," he explains.

Before Pinochet's coup on 11 September 1973, Leopoldo worked as head of the betting office at the hippodrome in the capital Santiago de Chile, and was a member of the Socialist Party. His nightmare began a few days after the military coup when he was arrested by the police on 16 September 1973.

Leopoldo was transferred to the Santiago's main police station, where he was held incommunicado without charge. He was tortured to confess the whereabouts of other people linked to the Socialist Party. Every two or three hours the police tied his hands and feet and blindfolded him, hitting his head and immersing it in water.

From there, he was transferred to the National Stadium where the torture continued and intensified for three months. Afterwards, Leopoldo was held in the detention camps of Chacabuco, Tres Alamos and Ritoque for a year and a half. While in detention, his family was able to visit him only on a few occasions.

"What was going through my mind [when they were torturing me] is that my people were already dead and that I was the only one left to be killed. You think the worst," he said.

One day, almost without warning, the authorities informed him he would be released, but under the condition that he leave the country.

"I found out that we were about to be expelled. In part, I thought that this was our salvation and I thought that everything would be sorted out quickly," he recalls.

On 12 July 1975 Leopoldo and some of his family left Chile for London, without knowing how to speak English and carrying just a few belongings between them.

What at first seemed like their salvation soon became the new chapter of a long and difficult struggle.

Surviving away from home

Leopoldo is one of hundreds of thousands of people who went on exile during the Pinochet regime.

Adapting to his new home was a long and difficult process.

The torture he suffered left him with a permanent disability that prevented him from working.

"I thought I would be [in London] for two years, but I've been here almost 40. This is shocking. I have lost my friends, I have lost everyone. I can't even work, I can't do anything I was doing in Chile. I feel I am in a box."

After a lengthy application process, Leopoldo was entitled to some economic benefits provided by the Chilean government as someone exonerated of political crimes.

However, as he doesn't live there, he doesn't have access to other reparation measures such as much-needed healthcare for torture survivors.

Leopoldo's exile, aggravated by the torture and the lack of justice he suffered, has also been hard on his family. His wife, María Elena Otilia García, had no choice but to abandon her job in Chile to look after her husband. Meanwhile his three daughters – all minors when they came to London – had to face a new academic life without speaking the local language and in a cultural environment very different from their native country. The family also lost all the possessions and savings they had in Chile.

Leopoldo and his family are very grateful to the UK but they still remember how difficult it was for them to start a new life in a different country almost forty years ago.

"Our three daughters were very much affected by the exile. In the end they were able to adapt to the country, but it took time because of the language. The youngest one, who was four at the time had to go to a school with special needs and be provided with speech therapy. They didn't go to university despite the fact that the eldest had very good academic results in Chile and wanted to be an architect", says María Elena.

"We also suffered from discrimination. When we moved to our first apartment, the neighbours didn't want us. They used to throw milk bottles and eggs to our house, leaving rubbish bags next to our door ... it was terrible."

After having spent half their lives in London, they say that it's too difficult to return to live in Chile.

The long road to justice and reparation

Things began to change for Leopoldo and his family when, in April 1994, they decided to knock on the door of REDRESS, a London-based organization that helps torture victims.

Based on their advice, in May 2002, the Garcías filed a complaint with the Inter-American system to call for justice and reparation from the Chilean state.

More than two years later, in October 2005, the Inter-American Human Rights Commission admitted the case and referred it to the Inter American Court of Human Rights in 2011.

The lawyers at REDRESS argued that neither Leopoldo nor his family have had access to justice or adequate reparation. They called for Chile to remove all obstacles that prevent Leopoldo and others to access justice, such as the Amnesty Law. He also argued the pension he receives as a politically exonerated person be readjusted to take into account the higher cost of living in London, and for the restitution of the savings he had back in Chile.

The Inter-American Court of Human Rights has now ruled that Chile must finalize as urgently as possible the investigation regarding the abuse suffered by Leopoldo and bring those responsible to justice. The Court has also said Leopoldo should receive compensation.

"This is a positive ruling. The Chilean state must now ensure that Mr Garcia is able to see those who tortured him face the courts," said Guadalupe Marengo, Americas Deputy Director at Amnesty International.

This is the first time that the Inter-American Human Rights system rules on the case of an individual tortured under the Pinochet regime. For Leopoldo it's clear that Chile must take responsibility for what happened 40 years ago and the consequences exile had for him and his family.

"I am very grateful to the English for hosting me. I will die here, but it's Chile that has to assume its responsibility. I'm not from here. I'm from Chile," Leopoldo insists.