

EXTERNAL (for general distribution)

AI Index: AMR 34/21/92  
Distr: UA/SC

5 May 1992

Further information on UA 294/90 (AMR 34/43/90, 10 July 1990) - and follow-ups: AMR 34/45/90, 26 July 1990; AMR 34/12/91, 27 March 1991 and AMR 34/39/91, 22 August 1991 - Beatings and threats against street children

**GUATEMALA: Two street children**

---

Thirteen-year-old street child Nahamán Carmona López was attacked by four policemen on 4 March 1990 and died as a result. In March 1991, the four policemen were found guilty and sentenced for the murder of Nahamán Carmona López. However, the sentence was later overturned and a retrial ordered which was reopened before the *Juzgado Quinto de Primera Instancia Penal de Sentencia* (Fifth Criminal Sentencing Court of the 1st Instance), and new evidence admitted.

On 28 April 1992, the four Guatemalan police officers were found guilty of homicide by the Fifth Criminal Sentencing Court of the 1st Instance, and sentenced to terms of between 12 and 18 years imprisonment. Three of the four policemen were sentenced to 12 years and 6 months and the fourth to 18 years and 3 months. According to the information we have received, the sentence also bans the policemen from holding a public post. The policemen are currently appealing the sentence.

At least two key witnesses on the case have been systemtically intimidated since the killing of Nahamán Carmona, and one is now in exile.

#### **BACKGROUND INFORMATION**

In March 1991, four Guatemalan police officers who were accused of the killing of Nahamán Carmona López, were brought to trial and sentenced to prison terms of between 10 and 15 years. However, on 19 July 1991, the sentences were overturned by the Third Chamber of the Appeals Court (*Sala Tercera de la Corte de Apelaciones*) on technical grounds.

A transcript of the sentence made available to Amnesty International indicated that the annulment of the sentences was due to "the violation of ... essential formalities in the proceedings" ("*la violación de ... formalidades esenciales del proceso*") which, in the Court's view, gave grounds for the annulment of the sentences. The transcript stated that in the order initiating criminal procedures, the hour indicated for the killing of Nahamán was at 2.30 am, while it had been established that the killing took place a 0.20 am on 4 March 1990.

A fine of 20 Quetzales (US\$4.00) was imposed on the sentencing judge. According to the information made available to AI, the charges against the policemen still applied, and a retrial was ordered by the Appeals Court. The policemen remained in jail, pending the re-trial.

**FURTHER RECOMMENDED ACTION: Please make telephone calls and send**

**telegrams/telexes/faxes/express and airmail letters**

- welcoming the recent convictions on re-trial of four policemen for the murder of Nahamán Carmona López;

- expressing your hope that these convictions signal the determination of the Guatemalan government not to tolerate any further human rights abuses, no matter who the perpetrators, and that they represent merely a first step in a concentrated program of government action intended to return Guatemala to the rule of law;

**page 2 of 4FU UA 294/90...**

- asking for guarantees for the physical safety of those who have been threatened and intimidated after giving evidence in the trial against the four policemen for the murder of Nahamán Carmona López;

- urging that these acts of intimidation be investigated and those responsible be brought to justice.

**APPEALS TO:**

1. President of the Republic

S.E. Jorge Serrano Elías  
Presidente de la República  
de Guatemala

Palacio Nacional  
Guatemala, GUATEMALA

**Telephone: + 502 2 21212; + 502 2 22266**

**Faxes: + 502 2 537472; + 502 2 519702**

**Telexes: 5331 CAPRES GU**

**[Salutation: Excelentísimo Sr. Presidente / Dear President]**

2. Director General of the National Police

Lic. Carlos Enrique Samayoa Cifuentes  
Director General de la  
Policía Nacional

6 Avenida 13-71 Zona 1,  
Guatemala GUATEMALA

**Telephone: + 502 2 20221; + 502 2 515158**

**[Salutation: Señor Director General / Dear Director General]**

3. President of the Supreme Court

Lic. Juan José Rodil Peralta  
Presidente de la Corte Suprema de Justicia  
Centro Cívico

21a Calle y 7a Avenida  
Guatemala, GUATEMALA

**Telephone: + 502 2 84323; + 502 2 843203-08**

**[Salutation: Sr. Presidente de la Corte Suprema / Dear President of the Supreme Court]**

**COPIES OF YOUR APPEALS TO:**

Human Rights Procurator

Lic. Ramiro de León Carpio  
Procurador de Derechos Humanos

Avenida Simeón Cañas 10-60 Zona 2,  
Guatemala, GUATEMALA

Casa Alianza  
Apartado Postal 2704,  
Guatemala, GUATEMALA

Diario Prensa Libre  
13 Calle 9-31, 50 Nivel  
Edificio Prensa Libre  
Zona 1, Guatemala  
GUATEMALA

and to diplomatic representatives of Guatemala in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 15 June 1992.