

# £GUATEMALA

## @Criminal proceedings: human rights violations against street children

Over the past year, Amnesty International has received an escalating number of reports of human rights violations against street children in Guatemala, including beatings, torture, "disappearances" and extrajudicial executions, reportedly carried out by official security force agents, particularly the police, in Guatemala City. In July 1990, the organization published Guatemala: Extrajudicial Executions and Human Rights Violations against Street Children (AMR 34/37/90), which documented many of these cases. The report showed that policemen involved in these abuses were never brought to justice. Amnesty International has been very concerned at the delays and irregularities in the official inquiries into the reported abuses against street children. However, there have since then been a number of developments regarding criminal investigations against policemen involved in human rights violations against street children.

### **Nahamán Carmona López**

Amnesty International has learned that the four Guatemalan police officers who were detained in connection with the death of street child Nahamán Carmona López have been sentenced to prison terms of between 10 and 15 years. 13-year-old Nahamán Carmona López, died in hospital in March 1990 after a savage attack by police which left him with a ruptured liver, six broken ribs, two broken fingers and bruising over more than seventy per cent of his body.

In the case of Nahamán Carmona López, Amnesty International was disturbed that key witnesses who failed to appear to give their declarations when summonsed to do so by the judge in charge of the case, had then not been compelled to appear, and that the reconstruction of the crime did not take place in as near accord as possible with the circumstances under which it reportedly occurred, as required by law. Such factors led to doubts in Guatemala as to whether the four policemen arrested in connection with the crime would be convicted, despite strong evidence of their involvement, including eye-witness testimony implicating them. These doubts had been fuelled by the release in July of the only security force personnel convicted in recent years in connection with human rights abuses. The conviction of six policemen for the kidnapping and murder of two Quetzaltenango agronomists in 1987 was overturned on appeal, despite strong evidence, including forensic data uncovered by United States investigators, linking them to the crime.

The sentencing of the policemen for the murder of Nahamán Carmona López represents the first known sentencing of official security force agents for human rights related

offences since the new government of President Jorge Serrano Elías came to office in January 1991. It is believed that widespread international outrage at the boy's murder played a major role in ensuring that the case was finally dealt with by the Guatemalan courts.

According to our information, the judge specifically extended the length of the sentences by 25 per cent for each the four policemen because, he said, the fatal attack had been carried out by state agents acting in an official capacity.

The four police officers are believed to be exercising their right of appeal against their convictions and sentences.

### **Anstraum Aman Villagrán Morales and Eight youths abducted in June 1990**

Amnesty International also learned that on 4 April 1991, three arrest warrants were issued against two policemen and one civilian, in connection with the killing by uniformed policemen of 17-year-old Anstraum Aman Villagrán Morales. One of the policemen and the civilian have been arrested; the other policeman remains at large. Anstraum Villagrán was killed on 25 June 1990.

According to eye-witness reports, Anstraum Villagrán was drinking a beer at a street kiosk in Las Casetas street market area in Zone 1 of Guatemala City, and then left to go to the toilet. The two policemen, later charged with his murder, followed him and shots were heard. The two policemen were subsequently seen running from the scene and later returned to the same street kiosk where Anstraum had been drinking. One of the policemen was seen to stand deliberately on the head of Anstraum, as they passed his body. Two street children pointed at the two policemen at the stall and accused them of having killed Anstraum. One of the policemen reportedly threatened the two children. A police ballistic report found that the bullet in Anstraum Villagrán's body had been fired by the same gun as that issued to one of the two policemen accused of his murder.

The three indicted for the murder of Anstraum Villagrán are believed to be implicated in other cases of human rights violations against street children, including the abduction of eight youths in two separate incidents in June 1990. As reported in Extrajudicial Executions and Human Rights Violations against Street Children, several of these youths were later found dead, showing signs of brutal torture. The remainder are still missing. The Third Court of the First Instance (Juzgado Tercero de Primera Instancia) has widened pre-trial investigations to include both the killing of Anstraum Villagrán and the abduction of the eight youths in June 1990.

An Amnesty International delegation which visited Guatemala in November 1990, took testimony concerning the attempted abduction on 14 October of a young girl who is the sole survivor and key witness to one of the June 1990 kidnapping incidents. The girl escaped

a second kidnapping attempt while the Amnesty International delegation was in Guatemala. It was apparently intended to silence her, as her testimony had implicated the security forces in the June kidnapping.

### **Marvin Oswaldo de la Cruz Melgar**

Amnesty International has learned that two ex-policemen, detained in connection with the killing of 13-year-old Marvin de la Cruz Melgar, were found guilty of "homicidio culposo" ("culpable homicide") and "incubrimiento" ("cover-up") respectively, by the Fifth Sentencing Court for Penal matters (5o Juzgado de Instancia Penal de Sentencia). Both were given a three-year suspended sentence and released on bail pending appeal. One of the policemen was ordered to pay the equivalent of US\$400 in civil damages and the other US\$10 court costs. The judge also ordered that the two ex-policemen never again be permitted to serve in the National Police or any other public body.

Marvin de la Cruz was shot on 18 May 1990, in Zone 12 of Guatemala city, capital of Guatemala. A resident of the area where the shooting took place, after hearing shots at the time Marvin de la Cruz was fatally wounded, reportedly saw two policemen running from the scene. As they ran they grabbed hold of a man known to the resident, apparently because he had witnessed the incident, and forced him into a police car. Confidential police records of a statement subsequently given by the witness revealed that the witness had been seized by the two policemen at approximately 1.15 pm on 18 May, and that he was held for approximately one hour, during which time he was told, "You don't know us, because if you know us, we'll get you". ("Ud. no nos conoce, porque si nos conoce le vamos a quebrar el culo".) Because of the threats received by this witness, he never ratified his statement, and Guatemalan sources believe this was the reason the sentences passed against the two policemen convicted of the murder of Marvin de la Cruz were given relatively short suspended sentences.

This represents the third known conviction of government agents for human rights-related crimes in recent years. However, it is not known if the convictions will stand. In the only other case, apart from those of Nahamán Carmona López and Marvin Oswaldo de la Cruz Melgar, cited above, where official security force personnel were convicted of human rights violations in recent years, the six policemen convicted for the 1987 abduction and murder of two agronomy students were, however, released on appeal in July 1990, despite strong evidence linking them to the crime.

Amnesty International welcomes the explicit acknowledgement by the judge that the policemen convicted of the murder of 13-year-old Nahamán Carmona López, had not been acting merely as individuals when they killed the boy, but had abused the authority vested in them as police officers. The organization hopes that these convictions signal the determination of the new government in Guatemala not to tolerate any further human rights

abuses in Guatemala. Thirty-seven other lawsuits against 35 National Police officers, three Treasury Police officers, ten civilians and three judges have been reported as pending in Guatemalan courts for a wide range of abuses of street children. Amnesty International is urging the Guatemalan government to ensure that these cases are dealt with speedily by the courts.