

UA 26/99

Fear for safety

18 February 1999

GUATEMALA

22 street children, aged 13-17

Lorena Carmen Hernández Carranza (15)
Nery Mateo Hernández (15)
Jenifer A. Gámez Ramírez (15)
Martha Julia Alvarez Paiz (16)
Judith Taraceba Paz (16)
Nancy P. Roldán M. (15)
Vilma Beatriz Talzal (17)
Sara M. Felipe Cortez (16)
Amelia Alejandra López (16)
Jans Flores Quintanilla (17)
Juan Carlos Pérez Guzmán (17)
Leonel Pérez Guzmán (16)
Manel Estuardo Davila Juarez (17)
Carlos Enrique Monroy (17)
José Manolo Mendoza Ramírez (16)
Erick Rolando Lives Sánchez (17)
Luis Guillermo Ortiz Robles (17)
Vily Ricardo Sandoval Batres (17)
Raúl Alexander Méndez (16)
Sep Iván Daniel Banes Méndez (13)
Carlos Enrique Escobar (16)
Henry Yovanny Alvarez Reyes (16)
Henry Yovanny Maye (15)
Oscar Arturo Alemán (17)

Amnesty International is concerned for the safety of street children in Guatemala City, after reports of sexual assault and arbitrary arrest by the *Policia Civil Nacional* (PCN), Civil National Police.

On 2 February 1999, 22 street children, aged between 13 and 17, were detained and accused of "public nuisance" by uniformed members of the PCN. On 11 February, two other street children were beaten up and one of them was sexually abused, again by a member of the PCN.

According to reports, on 2 February 1999, around 6 pm, two police patrol cars suddenly arrived at an abandoned building in central Guatemala City, where street children sleep. The police apparently accused the children of causing a "public nuisance" and arrested the 8 girls and 14 boys.

The police took the 22 minors before the *Juez de Paz Penal* (Criminal Justice of the Peace) in Zone 3 of Guatemala City, and accused them of *escándalo en la vía pública* (public nuisance). The judge ordered the detention of all 22. The children were sent to the *Centro de Diagnóstico* (Evaluation Centre), a government juvenile detention centre for boys in central Guatemala City. The girls were sent to Gorriones, a detention centre for girls.

According to the Legal Aid Office of *Casa Alianza* (Covenant House), who have taken up the case, under current legislation the children cannot be represented by a lawyer, which is in clear contravention of article 40.2(b) of the Convention on Rights of the Child, to which Guatemala is a signatory:

Every child alleged as or accused of having infringed the penal law has at least the following guarantees:...To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance...

In a separate incident, on 11 February 1999 at about 8pm, a uniformed member of the PNC woke up and kicked two street children, Lorena Carmen Hernández Carranza (15) and Nery Mateo Hernández (15), who were sleeping in a park at 14th Avenue and 3rd street in Zone 2 of Guatemala City. He accused them of having mugged and knifed someone. The policeman's uniform was black and he wore a black beret, as do members of the *Fuerza Especial Policial* (Special Police Force), a special elite unit within the PCN. The policeman reportedly started to get violent when he was searching the two children for weapons. He threw them both to the ground and told them to take off their clothes. He then ordered Nery to turn away as he was going to have sex with his girlfriend, Lorena. After he sexually abused the girl, he ordered the two to get dressed and left, telling the couple that he would return the following evening to "bring them marijuana".

Casa Alianza Legal Aid Office brought the victims to the Public Prosecutor's Office and the Office of Professional Responsibility of the National Civil Police to make a verbal complaint.

BACKGROUND INFORMATION

Amnesty International has received many reports of human rights violations against street youths and children in Guatemala. Several reports indicated that in the last few months the PNC has made systematic arbitrary arrests of street children in central Guatemala City.

Unlike most other human rights violations in Guatemala, there have been several convictions in cases of human rights violations against street children. Nonetheless, the authorities do not investigate the majority of the cases.

For further information please see *Guatemala: extrajudicial executions and human rights violations against street children*, AMR 34/37/90, August 1990 and *Guatemala: Children in fear*, AMR 34/24/92, May 1992, and subsequent UAs and follow-ups on street children cases.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- expressing deep concern about the reported arbitrary detention of the 22 street children on 2 February 1999;
- expressing concern for their safety and calling on the authorities to take immediate measures to guarantee they are not abused either physically or psychologically in detention;
- urging that the exact details of the alleged offence be made public and that, unless they are to be charged with a recognisable offence, they should be immediately released;
- calling for an investigation into this incident, and for those found responsible be brought to justice;
- asking for a full investigation into the sexual assault against Lorena Carmen Hernández Carranza, and violence against Nery Mateo Hernández, and that the person responsible be brought to justice;
- calling on the authorities to take immediate measures to guarantee their safety.

APPEALS TO:

President of the Republic
 S.E. Álvaro Arzú Irigoyen
 Presidente de la República de Guatemala
 Palacio Nacional, 6^a Calle y 7^a Avenida, Zona 1
 Ciudad de Guatemala, GUATEMALA

Faxes: +502 221 4537/230 1508
Telegrams: Presidente, Guatemala, Guatemala
E-mail: AlvaroArzu@guate.net
 alvaroarzu@guateconnect.com

Salutation: Sr. Presidente /Dear President

Attorney General

Lic. Adolfo González Rodas
Fiscal General de la Nación, Ministerio Público
6a Avenida 3-11, Zona 4, Ciudad de Guatemala, GUATEMALA

Tel/Fax: +502 362 7223

Telegrams: Fiscal General, Guatemala, Guatemala

Salutation: Sr. Fiscal General / Dear Attorney General

Director of the National Police

Lic. Angel Antonio Conte Cajulún
Director General de la Policía Nacional
6ª Avenida 13-71, Zona 1, Guatemala, GUATEMALA

Tel/Fax: +502 232 7721

Telegrams: Director Policía Nacional, Guatemala, Guatemala

Salutation: Sr Director General/Dear Director General

Director of the Office of Professional Responsibility

Director de la Oficina de Responsabilidad Profesional
6ª Avenida 13-71, Zona 1, Guatemala, GUATEMALA

Tel/Fax: +502 232 7721

Telegrams: Director Oficina Responsabilidad Profesional, Guatemala, Guatemala

Salutation: Sr Director/Dear Director

COPIES TO:

Casa Alianza

3ª Avenida 11-28
Zona 1, Ciudad de Guatemala, GUATEMALA

Faxes: +502 250 0366

E-mail: guatemala@casa-alianza.org

Attorney General

Lic. Carlos García Regás
Procurador General de la Nación
Procuraduría General de la Nación
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and to diplomatic representatives of Guatemala accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 March 1999.