

GUATEMALA

Children in fear

Street children and street educators continue to be targeted

INTRODUCTION

According to charitable agencies working with street children in Guatemala, there are some 5,000 street children living on the streets of Guatemala City. Over the last two years Amnesty International has been deeply disturbed at reports of human rights abuses, including, beatings, torture, "disappearances" and extrajudicial executions, reportedly carried out against street children by official security force agents, particularly the police, acting sometimes in plain clothes and sometimes in uniform. In other cases, abuses have been carried out by agents of private security firms which operate under licence from the National Police and the Ministry of the Interior. (See *Guatemala: Extrajudicial Executions and Human Rights Violations against Street Children, AMR 34/37/90 of August 1990*, which documented many of these cases and *Guatemala: Criminal Proceedings: Human Rights Violations against Street Children, AI Index: AMR 34/20/91 of May 1991*).

Abuses against street children continue to take place in the context of police claims of a spiralling crime rate, particularly in the capital, Guatemala City. A special task force called *Hunapú* (Hunters), comprising members of the *Policía Nacional* (PN), National Police, the *Policía de Hacienda* (Treasury Police) and the *Policía Militar Ambulante* (PMA), Mobile Military Police, came into force in February 1992 to combat common crime in Guatemala, replacing the integrated services police unit *Sistema de Protección Cívica* (SIPROCI), System of Civil Protection. The police maintain that, in Guatemala City, gangs of street youths (called *maras*) are responsible for high levels of crime. Abuses against petty criminals and street children are not a new phenomenon, but cases have been coming to light over the past two years because an agency working with such children has begun pressing for inquiries into the abuses. In some cases, testimonies given by the children have then led to new abuses against them, as the police apparently are trying to intimidate, and even eliminate, those who have incriminated the police in crimes such as the beating, "disappearance", and extrajudicial execution of street children.

Street educators and those working with street children have also been targeted by the security forces, either because of their work protecting street children from abuse, because

they have denounced human rights violations against street children or because they have provided evidence as witnesses in judicial proceedings against members of the security forces charged with human rights violations against street children. Amnesty International also believes that street educators and those working with street children have been targeted in an effort to intimidate the workers of Covenant House (*Casa Alianza*), an organization which helps street children in Guatemala, in bringing the perpetrators of human rights violations to justice. In two incidents, both July 1991, unidentified gunmen opened fire on Covenant House's Crisis Centre and on Covenant House's Legal Office in Guatemala City. Nobody was hurt in either incident. In one incident, one of the assailants shouted "*Vamos a ametrallar a Bruce Harris y tomar fotos de todo el personal para matarlos a ellos y a los niños*" ("we are going to shoot Bruce Harris¹ and take photographs of all the staff and we are going to shoot them and the children"). Covenant House attributed these attacks to the opening of the Legal Office of Covenant House, which has been in the forefront of efforts to push for investigations into police abuses against street children.

Furthermore, Amnesty International is concerned that the impunity with which the police appear to operate against street children in Guatemala may be encouraging indiscriminate attacks against them by civilians in Guatemala City. In the past year the number of attacks on street children by men in civilian clothes has increased. In a recent incident reported to Amnesty International two street children were severely beaten by two market sellers in the Barajuste market in Guatemala City on 20 March 1992. The sellers who, reportedly, blamed the street children for a drop in sales in the market, beat one of the children with a metal tube on the chest, arms and legs and beat the other on the right leg and left arm. The children later reported that one of the sellers shouted "*si la policía no los ha matado, nosotros lo vamos a hacer*" ("if the police haven't killed you already we will do it ourselves").

Despite legal proceedings against members of the police or private police, only in isolated cases have investigations resulted in the prosecution of those responsible.

¹ Bruce Harris is the Executive Director of Covenant House for Latin America

Incidents of human rights violations

I Street children

1. José Vidal, 17
Nelson Larios, 13
Juan López González (alias "Tijuana"), 13
Mario René Hernández Aguirre (alias "El Muerto"), 17
Fernando Sarceño, 17
Axel Belmin Tenas, 17
Ana María Quiej (female), 15
Melvin Enrique Girón, 14
Omar Francisco Morán, 14

These nine street children were arrested and beaten by members of the recently formed combined security force unit *Hunapú* in Guatemala City on different occasions in March 1992.

On 19 March, at approximately 10:00am, in the Barajuste market in Zone 1 of Guatemala City, street children José Vidal, Nelson Larios, José López González and Mario René Hernández Aguirre were reportedly detained by four members of *Hunapú*. The children were forcibly shoved into a police car belonging to the transport department of the National Police and driven away. According to the children's account, they were beaten inside the vehicle and then thrown out of it in Zone 3 of the city, while it was still in motion. José López González was previously detained and beaten on 6 March 1992 by more than 35 members of the PMA, together with more than 15 other street children and youths (see case of Moisés Rivas *et al*, described below).

On the same day at approximately 2:30pm, in Zone 1 of Guatemala City, street children Fernando Sarceño and Axel Belmin Tenas were reportedly detained by two members of *Hunapú*. The incident again occurred in Zone 1 of Guatemala City, in front of a children's shelter run by Covenant House. The agents, one a member of the National Police and the other a member of the PMA, made the children stand up against a wall and searched them. According to a witness, who also noted the identification number of one of the policemen, the PMA agent hit Fernando Sarceño in the stomach. The two children were subsequently released.

Also on the same day, at approximately 5:00pm, in front of the shelter of Covenant House, two members of *Hunapú*, one belonging to the National Police and the other to the PMA, reportedly detained Mario René Hernández Aguirre (who had been detained earlier the same day) and Ana María Quiej. The PMA agent searched the children and subsequently started beating Mario René Hernández with the butt of his rifle. A security guard at the Covenant House refuge witnessed the incident and tried to intervene, telling the policemen to stop beating the children. The policemen subsequently left. The security guard noted the identification number of one of the policemen, who it was later revealed was the same policeman allegedly involved in the beating of Fernando Sarceño and Axel Belmin Tenas.

On the previous day, 18 March, at approximately 5:00pm in the Barajuste market, street children Melvin Enrique Girón and Omar Francisco Morán were reportedly detained by two members of *Hunapú*, one of whom was a member of the National Police and one of whom was a member of the PMA. The boys claim the PMA agent hit them on the head

Mario René Hernández Aguirre, one of the nine street children beaten in March 1992, showing bruises in the region of the collar bone

and back and gave Melvin Enrique Girón electric shocks with a *bastón chino* (a type of truncheon with an electric prod at its tip), before taking them to the San José Pinula detention centre.

2. **Moisés Rivas, 15**
Marvin Antonio Mejía (alias
Diego Chouza Franco), 16
Manuel López, 16
Carlos Antonio Contreras, 17
Boris Velásquez, about 17
Juan López González, "Tijuana",
about 12
Erick Mendoza López, "Lepra",
about 17
José R. López
Luis Antonio Roldán
and seven street youths

According to reports received by Amnesty International, at about 1.30 pm on 6 March 1992, about 35 agents of the PMA cordoned off four blocks of Zone 1 of Guatemala City and violently arrested 16 street children and youths. According to witnesses, some of the children were beaten by the police as they were rounded up. The majority of

them were then handcuffed and, when the PMA ran out of handcuffs, ropes were used to tie the children and youths. A staff member of Covenant House who witnessed the incident told the PMA agents that, according to the *Código del Menor* (Code of Minors) they should not handcuff minors. The PMA agents, however, replied that they were "*órdenes de la superioridad*" ("orders from higher up").

The minors among the group were taken to the *Segundo Cuerpo* (Second Precinct) of the National Police, again in apparent contravention of the Code of Minors, which states that when children are detained they must be sent to the Juvenile Court (*Magistratura de Menores*) or to the Justice of the Peace on duty at the time. The children were eventually taken to the Justice of the Peace on duty, who in turn sent some of them to the *Rafael Ayau* and to the *Pre-egreso* juvenile detention centres.

There is no information as to whether the children have been charged with any recognizable criminal offence. The testimony of the Covenant House staff member was reportedly not admitted by the Justice of the Peace because, it was reported, there was a "conflict of interests".

3. **Felipe González Barrios ("Chiripa", aged 14)**
José Corrado Mendoza ("Olindo", aged 18)

Amnesty International is concerned at the alleged refusal of the National Police to investigate an incident in which two street children, Felipe González Barrios and José Corrado Mendoza, were severely beaten by two unidentified men, until a judge issued an order for them to do so. Amnesty International is concerned by reports that the initial refusal by the National Police to investigate the incident, enabled unidentified persons to subsequently

Street Children held at the 2o Cuerpo after their arrest on 6 March 1992

remove the blood stains from the scene of the crime, where the children were found unconscious, thereby destroying potential incriminating evidence.

Felipe González

The incident occurred at about 10 pm on Monday 20 January. Felipe González and José Corrado Mendoza were walking together with Ludwin Gutiérrez, aged 16, along 11th Avenue between 12th and 13th street in zone 1 of Guatemala City, when two unidentified men wearing civilian clothes ran out of a house. The men reportedly stopped the street children without an apparent reason and threatened them at gunpoint. According to information received by Amnesty International, Ludwin Gutiérrez managed to escape while the unidentified men started to hit Felipe González and José Corrado Mendoza on the head and on other parts of their bodies with their guns. After the two men left, the two children were reportedly left bleeding on the pavement, and were helped by a passer-by who alerted the Fire Brigade. The children were taken unconscious to the San Juan de Dios General Hospital, where they stayed overnight. Felipe González was said to be unable to open his eyes

and had to be led by hand, due to the fact that his face was very swollen. On 23 January 1992 Covenant House made a formal complaint to the National Police. The case is currently under the jurisdiction of the *Juzgado 8o. de Paz Penal* (8th Justice of the Peace in Criminal matters).

Felipe González has previously been the victim of several attacks. On 11 January 1992, he was beaten when, along with two other street children, Carlos Enrique Coy Po and Ludwin Gutiérrez, he was stopped by five individuals in plain clothes who accused the children of stealing. The assailants beat the three street children badly and then freed them. The next day, on 12 January 1992 Felipe González was again badly beaten by two men, whom he reported seeing emerging from a house in Zone 1 of Guatemala City. He subsequently required hospital treatment from the beating he received.

Also, Felipe González was among three street children beaten on 7 November 1990 by thirteen members of SIPROCI, (four belonging to the National Police, five to the Treasury Police and four to the Mobile Military Police). The beating took place in front of a refuge run by Covenant House. A street educator, Axel Mejía, witnessed a member of the Treasury Police beating the children and intervened. The policeman then attempted to beat and then threatened Axel Mejía as he led the children back to Covenant House. Legal proceedings were subsequently initiated against one of the Treasury Police agents, identified as the principal aggressor, and against a member of the National Police. Axel Mejía gave evidence in the criminal proceedings against the accused agents. As a result of giving evidence, he and his family have been subjected to intimidation and death threats (see p. 12,13).

José Corrado

Felipe González showing the wounds to his head

**4. Elder
Marroquín, 17**

On 16
Elder Aníbal
Marroquín was

Aníbal Colindres

December 1991
Colindres
returning to his

Covenant House group home in Zone 6 of Guatemala City, when two uniformed policemen called out to him from behind. One of the policemen hit him over the head with his night stick. The boy lost consciousness and his shoes and wallet were stolen by the policemen. Following a medical examination, it was determined that the boy had a fractured nose from the blow he received. A formal complaint about the incident was made to the *Procurador de los Derechos Humanos* (Human Rights Procurator).

5. José Efraín Vásquez Solís, 16

José Efraín Vásquez Solís reported that he was walking in Zone 1 of Guatemala City, on 13 November 1991, at approximately 6.00 pm, when two vehicles pulled up in front of a restaurant and four armed men in civilian clothes jumped out. They fired some shots into the air. José Vásquez, who saw this from across the street, ran away and the men shouted at him to stop. The men caught up with José Vásquez, handcuffed him and forcibly shoved him into one of the vehicles, a white Volkswagen with four doors, and drove away. Inside the vehicle the men accused him of stealing money and beat him on the right side of his face with the butt of a pistol, as a result of which he lost consciousness. He reported that when he regained consciousness he believed he was in the area known as "Bosques de San Nicolás" in Zone 4 in the Mixco area of Guatemala City.² He was again beaten and as a result of the beating his left leg was fractured. José Vásquez also reported that the men burned him on his hands and fingers with a cigarette. The men then left and José Vásquez managed to reach other street youths, who assisted him to reach the Covenant House refuge. He was subsequently hospitalized, but left the hospital late that night with the help of a hospital worker after several private policemen came to the hospital asking for him.

José Efraín Vásquez. His leg was broken as a result of the beatings he received

6. Walter Federico Flores, aged 17

² In June 1990, the tortured bodies of four street children were found in the Bosques de San Nicolás area. Two policemen are currently in prison, pending an appeal, after they were acquitted for their part in the murder of the children.

At approximately 10:00 pm on 23 October 1991, two young men wearing uniforms similar to those worn by the cadets at the *Escuela de Capacitación de la Policía* (Police Cadets Training School), reportedly stopped Walter Federico Flores in the area known as Botellón, at 4th Avenue and 19th Street in Zone 1 of Guatemala City. They asked for Walter Flores' identification, but he did not want to show them his birth certificate because he was reportedly afraid the police might tear it up. Amnesty International has received reports that members of the police have torn up identification papers so that they can claim the children are over the age of 18. The two men subsequently hit Walter Flores on the head with their truncheons, and when he fell, they kicked him in different parts of his body, especially in the stomach and ribs. Walter Flores was also severely beaten on both arms and his left leg. He was left unconscious under a bridge in the same area, and regained consciousness at approximately 11:30 pm. Walter Flores, bleeding profusely from his head and right cheek, made his way to the Hogar Rafael Ayau, the government centre for abandoned children, where he was reportedly denied treatment. The boy went next to Covenant House where he was treated by a doctor. A formal complaint was made by Covenant House to the *Magistratura Coordinadora de la Jurisdicción de Menores* (Coordinating Magistrate in charge of Minors). The investigating judge ordered that a medical report be submitted. However, Covenant House reported that the case was not passed on to the corresponding court for further investigation.

II Street educators

In addition to the attacks on street children, Amnesty International has been very concerned at human rights violations, including abduction, torture, rape, intimidation and threats directed against staff, former staff of Covenant House, and their families. Many street educators would appear to be targeted because of their work with Covenant House and/or because they have acted as witnesses in some of the legal proceedings being initiated against members of the security forces.

1. Olga Odilia Jiménez Fajardo
Adrián Medina
Carolina García

Three former staff workers with Covenant House, Olga Odilia Jiménez Fajardo, her common-law-husband Adrián Medina and a friend, Carolina García, left the country in January 1992, after a series of incidents, including death threats, abduction, continuous harassment and in one case rape dating from November 1990.

Olga Jiménez, a nurse who was temporarily working as a social worker with Covenant House, was at the San Juan de Dios Hospital when street child Nahamán Carmona lay wounded following the attack on him by policemen on 4 March 1990. Nahamán Carmona had spent over 32 hours under observation without having been seen by a doctor when he caught the attention of Olga Jiménez, whom he recognized. Olga Jiménez notified a doctor to examine Nahamán Carmona after he told her what had happened to him. (see Guatemala: Extrajudicial Executions and Human Rights Violations against Street Children, AI Index: AMR 34/37/90, July 1990)

In the first half of November 1990, three men driving a black American-style car without licence plates intercepted Olga Jiménez in Zone 1 of Guatemala City, as she was walking home. They told her that she had a lot to tell them and that she should not have foreigners living in her house (a lawyer from Harvard University and an Australian journalist reporting on the political situation in Guatemala had reportedly been renting rooms in Olga Jiménez' house). According to her testimony to Covenant House, in September or October 1990 several calls were made asking for the foreigners who were living there. The callers warned them not to "brainwash" indigenous peoples ("*que no mentalicen a los Indios*") and not try to change them or they would "regret it".

On 7 March 1991, as Olga Jiménez was walking home with one of her four children, two men driving a four-door red car warned her that she would be abducted and sexually abused. They also told her that she was not being taken this time because her small daughter was with her. Two months later, on 15 May, an abduction attempt was made against Olga Jiménez. As she was on her way to the National Police hospital, where she

worked at the time as a nurse, an unidentified man in plain clothes tried to grab her. She managed to escape by hitting her assailant in the stomach. She was, however, abducted on 27 May, as she was travelling between the San Juan de Dios Hospital and the National Police Hospital in Guatemala City. According to her testimony, four unidentified men got out of a four-door, American-style car, and forced her into the car. They said they wanted to talk to her. After about half an hour, she was made to get out of the car at the entrance of a place called Palencia in Guatemala City. They undressed her and told her to tell them what she knew. They asked her about several people who were living in her house and when she said she didn't know, one of the men went to hit her, but another told him to wait as in any case they were going to rape her. They again asked her about the people living in her house, about Covenant House and asked who she had spoken to in the hospital about Nahamán Carmona. One of the assailants then raped Olga Jiménez, while another went through her purse. When he saw her identification badge as a worker with the National Police Hospital they left the area. Olga Jiménez was subsequently operated on for the injuries she sustained to her vagina, as a result of the rape.

Olga Jiménez reported that a further attempt to abduct her was made on 29 August 1991. As she was walking towards the San Juan de Dios hospital two men in a blue car with polarized windows called her and asked her what time she would finish work. She replied that she had no time to stop, and made her way into the hospital, but one of the men grabbed her, and she hurt her arm against the car door in the struggle to escape.

Adrián Medina and Carolina García have also been reportedly harassed and threatened. These incidents would appear to be linked to their association with Covenant House. Carolina García was writing a university thesis on the subject of street children in Guatemala. Since November 1990, they and Olga Jiménez received repeated death threats by unknown individuals while they were on the street, as well as telephone calls to their homes. They were also repeatedly stopped on the street by unknown men, sometimes driving a black car. On one occasion a black vehicle containing two armed men reportedly stopped Adrián Medina as he was nearing the apartment he shared with Olga Jiménez. The men said they wanted to talk to him, and followed him for about three blocks until he arrived home. In January 1991 three men driving a black car assaulted the father of Adrián Medina near his home. The men approached and asked him if his name were Medina. When he said yes, the three men beat him. When Adrián Medina and his brother, who were at their father's home at the time, went out of the house, they saw a black car driving away.

Also in January 1991, Carolina García was approached by a man who told her to "shut up", as she was being watched "since the day she arrived to look after Nahamán" (Carmona). In March 1991, after Carolina García had moved in with Olga Jiménez and Adrián Medina, an unknown man called at the apartment and asked for "Adrián". When Olga Jiménez asked him who he wanted to see, he replied by saying that she was Olga. When she denied she was Olga, the person said "*aunque traten de protegerse, aunque se unan, se los va a llevar*

la gran P...y los vamos a desaparecer o matar si no colaboran..." ("even though you try and protect yourselves, even though you stay together, something is going to happen to you...and we will kill you or "disappear" you if you do not cooperate").

**2. Julio César López
Héctor López
Héctor Augusto Dionicio Godínez**

In separate but seemingly related incidents, three staff members of Covenant House were held up, beaten and robbed by armed men in civilian clothes in November 1991. Julio César López is a street educator, Héctor López works as a coordinator of street educators and Héctor Augusto Dionicio Godínez is a law student working with the *Oficina de Apoyo Legal* (Legal Aid Office) of Covenant House. From the testimonies of the three victims and the way in which the attacks were carried out, Covenant House has concluded that the incidents may have been linked. In the case of Héctor López, the assailants stated that they knew where he worked and lived, and made death threats against him. Héctor Dionicio was attacked in Guatemala City on 28 November 1991. He was reportedly grabbed by the neck from behind by an unidentified man. While he struggled to free himself, another man hit him on the left side of his head with a blunt instrument, which left him unconscious. Witnesses reported that while the attackers went through the wallet of the victim, one was reportedly heard to say "*no nos equivocamos, éste hijo de la gran p... pertenece también a esa m..., tal vez así dejan de estarnos chingando.*" ("we were right, this son of a b... also belongs to that s..t, perhaps now they will stop f...ing us around."). Covenant House has interpreted this as an indication that the attackers knew who they were targeting and that the motive for the attack was to intimidate Covenant House workers. According to the Héctor Dionicio the witnesses who helped him after the attack refused to give their names or addresses for fear of reprisals.

3. Axel Mejía

Axel Mejía Paiz is the supervisor of the Crisis Centre of the Covenant House refuge in Guatemala City. He was the principal witness to an incident which occurred on 7 November 1990, when thirteen members of the police unit SIPROCI, (four belonging to the National Police, five to the Treasury Police and four to the Mobile Military Police), beat three street children in front of a refuge run by Covenant House. Legal proceedings were subsequently initiated against one of the Treasury Police, identified as the principal aggressor, and Axel Mejía gave evidence in the criminal proceedings against the accused agent. Since that time, he has been constantly threatened and harassed, and in May 1991 he was forced to leave the country because of the level of harassment against him, but decided to return to Guatemala after several months, in order to continue his work with street children.

David Mejía, a few hours after he was released by his captors.
His brother Axel (left), is hitting the wall in anger

According to testimony given to Covenant House, on 12 March 1992, David Estuardo Mejía Paiz, Axel Mejía's brother, was abducted in Guatemala City.

He was walking towards his home in Zone 21, when a man in plain clothes put a gun to his head and told him not to resist or he would be shot. Three other men forced David Mejía into a black vehicle with polarized windows. He was then taken to a dark room and was held there for approximately forty-five minutes before being taken by one of the assailants to what David Mejía described as a passage-way. He was told to telephone his brother Axel Mejía, but when he said his brother did not have a telephone, the assailant told him to telephone anyone who could pass on a message to his brother that "*ni él ni su hermana tenían la culpa de lo que había hecho Axel*" ("neither he nor his sister were to blame for what Axel had done"). David Mejía was then taken back to the dark room and blindfolded. One of the assailants threatened him and burned the right sleeve of David Mejía's sweater with a match, and all the while asked David Mejía if Axel Mejía was in Guatemala or if he had left the country. David Mejía then heard one of the assailants say to another "*¿lo matamos, vos?*" ("shall we kill him, then?"). David Mejía was released early on the morning of 13 March. Before his release the men told him that they were not going to

kill him, but wanted it to be a warning to his brother of what they were capable of doing. During March 1992 the family was the subject of other incidents of serious harassment and their home was placed under surveillance.

III Witnesses to human rights violations

Amnesty International is concerned that in some cases, children who have given testimony of human rights violations by the security forces involving other street children have themselves been abused by the police, who apparently try to intimidate, and even eliminate those children who have incriminated them in crimes such as the beating, "disappearance", and extrajudicial execution of street children.

1. Vilma Jeannette Arévalo Deras and Ingri Luz Arévalo y Arévalo

The principal witness to the killing in March 1990 of street child Nahamán Carmona López, policewoman Vilma Jeannette Arévalo Deras, and her family have been consistently targeted throughout the criminal proceedings against the four policemen charged and recently convicted of homicide for the killing of Nahamán Carmona.

On 15 March 1992, Ingri Luz Arévalo y Arévalo, aged 18, a half-sister of Vilma Arévalo Deras, was attacked and raped by three unidentified men in the city of Jutiapa, department of Jutiapa. According to Ingri Arévalo, she was on her way to a local pharmacy at approximately 6.30 pm when three men grabbed her violently, covered her mouth and began slashing her arms and legs with a blade. The men then forced her into a car. They insulted her and drove off to an unknown location, where she was raped. One of the men said "*vas a pagar los platos rotos de tu hermana y la próxima vez te vamos a matar*" ("you are going to have to take the can for your sister"). Because it was dark when she was grabbed, Ingri Arévalo was unable to identify her attackers or the car they were driving. She was released, after being held for over an hour. Following her release, she was admitted for treatment to a private clinic in Guatemala City. The medical certificate issued by the clinic stated that the patient had bruises on different parts of her body, had wounds from a sharp instrument and that she had been violated. In mid-April 1992, Ingri Arévalo left the country. The attack and rape of Ingri Arévalo coincided with the re-trial taking place against the four policemen accused of the killing of Nahamán Carmona López. The sentences against the policemen in the first trial were overturned in July 1991 on technical grounds and a re-trial ordered. (See Section: Update on Criminal Proceedings against those responsible for human rights violations against street children)

Vilma Arévalo Deras reported being subjected to threats and intimidation after she testified against four policemen charged with the killing of Nahamán Carmona in the original trial and in March 1991 left Guatemala with two of her children to seek political asylum in another country.

2. Francisco Tziac

Seventeen-year-old street child Francisco Tziac, of the Cakchiquel ethnic group, is a key witness in the legal proceedings against four policemen currently serving prison sentences of between 12 and 18 years for the killing of his friend, Nahamán Carmona López.³ Nahamán Carmona died on 14 March 1990, and since his killing Francisco Tziac has been singled out by uniformed and plainclothes police, and has been abducted, beaten and threatened.

³ Four policemen were originally sentenced in March 1991 to between 10 and 15 years for the killing of street child Nahamán Carmona in March 1990. In July 1991 the sentences were overturned and a re-trial was ordered. In April 1992 the four policemen were sentenced to between 12 and 18 years. (See Section: Update on criminal proceedings against those responsible for human rights violations)

On 10 April 1990 several children who had witnessed the attack on Nahamán made a declaration to an examining magistrate. In their statement, the children gave a detailed description of the assailants.

Francisco Tziac
Approximately one month after giving the declaration Francisco Tziac was attacked and beaten by two policemen in Guatemala City. Several days later, he was again singled out for attack by a policeman who pulled him around by his hair.

On 14 July 1990 two uniformed policemen wearing the type of boots reportedly used only by motorcycle policemen stopped Francisco Tziac in the city centre, and asked his name. Before leaving they told him "*no sólo nosotros tenemos tu nombre, sino que muchos policías, no queremos verte más por ese sector y por ninguna parte de la zona uno, y si te vemos te vamos a matar*" ("not just us, but many policemen have your name, and we don't want to see you around here or any place in Zone 1, and if we see you, we'll kill you.")

On 29 May 1991 Francisco Tziac was abducted for a period of several hours by two unknown men, who grabbed him between 13th and 14th street, in Zone 1 of Guatemala

City. He was bundled into a blue car and taken to a place unknown to him, where he was severely beaten, before being released in Zone 19 of the city.

On 18 December 1991, Francisco Tziac was again abducted by two men as he was walking in Zone 1 of Guatemala City with two other street children. He was forced into a pick-up and taken to the *Puente Olímpico* (Olímpico Bridge). There, he later reported, he was thrown out of the pick-up, kicked and insulted by one of the men, who he stated had an identification tag around his neck similar to those used by the armed forces. This same man then took a gun out of his holster and said "*Aquí te vas a morir...*" ("here you are going to die..."), but the second man intervened and said that Francisco Tziac should not be killed. While the two men argued Francisco Tziac took the opportunity to escape and fled to Covenant House.

Amnesty International believes this latest attack on Francisco Tziac was designed to intimidate witnesses called to give further evidence at the re-trial of four policemen for the killing of Nahamán Carmona.

On the afternoon of 7 April 1992 Francisco Tziac arrived at the Legal Aid office of Covenant House. He was bleeding from his nose and mouth. He said that he had just been attacked by three armed men who caught him stealing from a car. The child said that the men took him to a house on 5th Avenue, Zone 1 of Guatemala City, handcuffed him and beat him on the back, chest, arms and face. According to his testimony, his assailants asked him about Bruce Harris, and said that it was Bruce Harris who made the street children steal. The men then released him, and Francisco Tziac made his way to the Legal Aid office, where Covenant House staff took him to hospital. According to Covenant House staff, when waiting at the emergency ward, a National Police agent came to interrogate Francisco Tziac about what had happened to him. When the child told her that he was caught stealing, the agent told him that had happened because street children were always stealing. Francisco Tziac, left the hospital very upset, but was persuaded to return by one of the Covenant House staff who accompanied him. The other worker asked the police agent to change the tone of her interrogation, as she was upsetting the child, but she reportedly continued the same line of questioning, and told Francisco Tziac that he would have to wait at least two hours before being attended to. The child left the hospital again, and went into hiding.

Francisco Tziac after the attack he suffered on 7 April 1992

3. Alex Rolman Castillo Morales

Alex Rolman Castillo Morales, a 19-year-old street youth, is a key witness in a case being brought by the *Ministerio Público* (Public Ministry), against a private security agent currently imprisoned, serving a 10-year sentence for the murder of 15-year-old street child Francisco Chacón Torres. Francisco Chacón died after being shot while walking in Zone 9 of Guatemala City on 28 April 1991.⁴ Alex Castillo Morales who was with Francisco Chacón at the time he was killed, has given evidence to the *Juzgado Tercero de Primera Instancia Penal de Instrucción* (Third Criminal Examining Court of the First Instance), who are hearing the case. On 19 November 1991, at approximately 2.00pm at the corner of 18th Street and 10th Avenue in Zone 1 of Guatemala City, Alex Castillo Morales was walking towards the centre of the city, when a white covered van with polarized windows, pulled up beside him and a man in plain clothes asked him his name. Alex Castillo was forcefully shoved into the back of the van. The victim later reported that there were four men in the van, all in plain clothes. Two men in the rear of the van began beating Alex Castillo on his back with a wooden club and they took him to the area near the Mateo Flores gymnasium in Zone 5 of the city. After they had beaten him, they told him not to tell anyone about the incident and not to try and get them into trouble. They then threw him out of the back doors of the van, and held on to him for several meters while the van was moving, dragging him along the ground, causing scrapes to his back and arm.

Axel Castillo, showing the wounds he sustained as a result of beatings with a wooden club

⁴ See *Guatemala: Apparent Extrajudicial Execution of Francisco Chacón Torres*, AI Index: AMR 34/24/91 of June 1991

Update on Criminal Proceedings against those responsible for human rights violations against street children.

There are currently 6 arrest warrants as well as more than 65 pending law suits against more than 50 National Police and four members of the PMA, pending with the Guatemalan courts. Amnesty International is concerned that in many cases investigations carried out by the authorities are incomplete or contain irregularities. In many cases there were long delays by the National Police in executing arrest warrants issued against members of the security forces. Amnesty International is further concerned that the failure by the authorities to identify the perpetrators and bring them to justice could make it appear that the official legal and security apparatus condones such acts, and could thus serve to encourage further such abuses. Only in isolated cases have investigations resulted in the prosecution of those responsible, and in several other cases irregularities in judicial proceedings have been alleged.

Amnesty International is urging the Guatemalan government to ensure that the pending cases against members of the security forces for a wide range of abuses of street children, are dealt with speedily and correctly by the courts.

Members of the security forces arrested in connection with cases of human rights violations against street children

1. Killing of Nahamán Carmona López

Thirteen-year-old Nahamán Carmona López was attacked by four policemen two years ago on 4 March 1990, and died as a result of the beatings he received.

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 at 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.

The new case 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. 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.

2. Apparent extrajudicial execution of Francisco Chacón Torres, 15

Street children mourning the death of Francisco Chacón

Amnesty International learned that in March 1992 the *Juzgado Primero de Primera Instancia Penal de Sentencia* (First Criminal Court of the First Instance) sentenced a private security agent to ten years' imprisonment, non-commutable, for the murder on 28 April 1991 of 15-year-old street child Francisco Chacón Torres. The mother of Francisco Chacón Torres was awarded 10,000 *Quetzales* (1US\$ = 5 *Quetzales* approximately) by the court.

According to the court transcript made available to Amnesty International, the security agent worked for an unlicensed private security firm owned by an Israeli citizen who

admitted in court he was a "collaborator" of G-2, Guatemala's military intelligence, and a military commissioner (a civilian auxiliary to the military).

3. Apparent extrajudicial execution of Anstrraum Aman Villagrán Morales, 17 and the abduction of eight youths in June 1990

On 17 January 1992 two members of the National Police and a civilian, indicted in April 1991 in connection with the killing by uniformed policemen of 17-year-old Anstrraum Aman Villagrán Morales on 25 June 1990, were acquitted by the *Juzgado Tercero de Sentencia* (Third Criminal Court) "*por falta de plena prueba para condenarlos*" ("for lack of evidence to convict them"). The policemen and the civilian were acquitted despite that fact that a ballistics' report had apparently established that the bullet used to kill Anstrraum Villagrán Morales had been fired from a gun issued to one of the policemen charged with his murder. There are allegations that this evidence was suppressed in court. The three defendants were also indicted for the abduction of eight youths in two separate incidents in June 1990. Several of these youths were found dead after their abduction, their bodies showing signs of brutal torture. Amnesty International is concerned that irregularities in the investigation may have led to the acquittal of the three defendants. The Public Ministry is appealing against the acquittal.

4. Apparent extrajudicial execution of Marvin Oswaldo de la Cruz Melgar, 13

On 8 July 1991, a three-year suspended sentence was imposed on two former policemen, detained in connection with the killing of street child Marvin de la Cruz Melgar was upheld on appeal. Both former policemen were found guilty of culpable homicide and cover-up by the Fifth Sentencing Court for Penal matters. One of the policemen was ordered to pay the equivalent of US\$400 in civil damages and the other US\$10 court costs. They were both released, pending appeal.

5. Beating of Walter Chapetón, 13 and Víctor Manuel Castellanos, 14

On 23 March 1992 two members of the PMA charged with abuse of authority for the beating on 1 January 1991 of Walter Chapetón and Víctor Manuel Castellanos were released by the *Fiscalía Militar* (Military Prosecutor's office). Despite evidence submitted by a counsellor from Covenant House who witnessed the abuse and statements by other members of the PMA, one of them was acquitted, and the other one was released conditionally on bail with security, pending appeal.

6. Beating of William Jonathan Ortiz López, 14

On 22 February 1992 a member of the National Police was found guilty and was sentenced to 25 days' imprisonment, commutable, for the beating of 14-year-old street child Jonathan Ortiz López on 5 July 1990. The defendant was also fined 200 *Quetzales*. There was no

appeal against the sentence. The policeman had been taken into custody charged with abuse against individuals on 22 December 1991, but only after a number of arrest warrants had been issued, and a series of complaints regarding the delays in carrying out the arrest orders had been lodged by Covenant House. William Jonathan Ortiz López had reportedly been grabbed by two members of the National Police from the 7th Precinct in Guatemala City and forced to the ground. One of the policemen grabbed a wire cable and started whipping Jonathan Ortiz on the back and shouting "You are a friend of Nahamán, and we are friends of the policemen in jail." The policemen then forced Jonathan Ortiz to drink sewage from an open drain by the side of the road.