

# GUATEMALA

## Police convicted of killing street child released: relatives still wait for compensation

*“... Llevo tu voz en mi cuerpo;  
soy el muro de tus sueños,  
basta de silencio  
somos la memoria y la palabra.”<sup>1</sup>*

Nahamán Carmona

Four Guatemalan police officers who kicked 13-year-old street child Nahamán Carmona López to death in 1990 were released over a year ago having served 6 years of a 12-year sentence. Their release was not made known to the plaintiffs in the case but came to light at the end of July 1997 during the course of latest efforts by charitable agency Covenant House (*Casa Alianza*) to obtain damages from the Guatemalan Government for Nahamán Carmona's family.

On 4 March 1990, Salvadorean-born Nahamán Carmona was sitting with other street children sniffing glue at the corner of 12th Street and 6th Avenue in Zone 1 of Guatemala City. Police from the 7th precinct surrounded four of the children and began pouring the glue over their heads. Nahamán apparently resisted and the policeman in charge of the group threw Nahamán to the ground, kicked him viciously in the stomach and left him for dead. He was subsequently taken to hospital but died 10 days later.

An autopsy carried out at the La Verbena cemetery in Guatemala City gave the official cause of death as asphyxiation; a secondary cause was liver failure. According to

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<sup>1</sup>Extract from a poem called “*Nahamán*”. Written by Guatemalan poet Alma Ríos Rivas, it reads, “*I carry your voice in my body; I am the wall of your dreams, enough silence, we are the memory and the word*”.

information received at the time by Amnesty International, the coroner's report noted signs that there had been blows to the head and stomach, and that the liver was badly damaged.

In March 1991 the four Guatemalan police officers accused of killing him were brought to trial and sentenced to prison terms of between 10 and 15 years. This was only the second case in which Guatemalan government agents were known to have been convicted of human rights violations. The convictions were overturned a few months later on technical grounds but following sustained efforts by local human rights groups and pressure from abroad, there was a retrial and the four men were again convicted. The Appeals Court subsequently confirmed the convictions but reduced the original sentences, ranging from 12 years and six months to 18 years to 12 years for each of the policemen.

The judge who ordered the release of the policemen in August 1996 did so after reducing their sentence by a quarter for good behaviour and a further 25 per cent for having worked during their time in jail. While these reductions are allowed under the law, Amnesty International remains concerned about several aspects of the case. The organization is concerned that the family have received nothing by way of compensation. When originally sentenced, the men were ordered to pay US\$1,650 to the relatives within three days of the ruling. This did not happen. In addition, article 47 of the Penal Code states that prisoners are obliged to work and that they should be paid for the work they do. Their salary should go towards "the reparation and indemnification of the harm caused by the crime" ("*reparar e indemnizar los daños causados por el delito ...*") - in other words should go to Nahamán's family. The family did not receive any payment.

In March 1997, *Casa Alianza* began a civil action against the four police officers, the director of the National Police and the Procurator General of the Republic (*Procurador General de la República*) Dr. Asiselo Valladares Molina, with the aim of setting a precedent that would compel the Guatemalan Government to pay damages for abuses committed by public servants in the course of their duties. The fact that the police officers have been released without the issue of damages being settled could create obstacles in the civil case since the four men have to be located and notified formally of the case against them before it can proceed.

The Nahamán Carmona case is one of the few in which members of the security forces have been held accountable for their actions and sentenced to terms of imprisonment. The early release granted the policemen responsible for Nahamán's death in the absence of measures to signal that human rights violations by the security forces and army will not be tolerated, sends the wrong message to society. This, at a time when the victims of human rights violations, their relatives and the wider population are looking to the

Guatemalan Government to bring to justice those responsible for the thousands of past "disappearances", extrajudicial executions and other human rights abuses.