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**Committee on the Rights of the Child**

**12th Session**

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World Organisation Against Torture (OMCT)

Remarks in response to the Report by the Republic of Guatemala

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in response to the Report by the Republic of Guatemala**

**I. Preliminary Observations**

1. The Convention on the Rights of the Child was ratified by Guatemala on 10 May 1990 and entered into force on 2 September 1991. By taking this step the government committed itself to undertake all the necessary measures to implement the provisions of the Convention.

2. Report CRC/C/3/Add.33 (hereafter referred to as the Report) lists a number of adjustments made by the government to ensure that, in matters of human rights, the treaties and conventions accepted and ratified by Guatemala are incorporated into domestic law. In the area of children's rights, several protection and monitoring bodies and programmes have been established, mostly through the Coordinating Committee for Government Human Rights Policy (COPREDEH) and the Office of the Procurator of Human Rights. Furthermore, the Congress of the Republic is presently considering a draft of a new Code on Childhood and Adolescence (Código de la Niñez y Adolescencia) which will govern all actions concerning children and minors and is intended to adapt national law to the Convention on the Rights of the Child. The new code is set to be adopted in the current year.

3. OMCT recognises that the government of Guatemala has made institutional and legislative efforts in order to fulfill its obligations under the Convention. Nevertheless, as is at times acknowledged by the Report itself, the process has not been completed and the measures taken have been far from effective. In fact, as is demonstrated by an ample body of evidence from independent sources, reality still presents a grim picture for Guatemalan children - a sector which makes up approximately 50% of the population and is among the most vulnerable groups.

## **II. Definition of a child**

4. In paragraph 95 the Report states:

"As defined in the Minors Code contained in Congressional Decree No. 78 - 79, minors are persons under the age of 18 years."

On the other hand, in paragraph 98 of the Report, we find that the Civil Code stipulates "that males from the age of 16 and females from the age of 14 may contract marriage." Recalling that the marriage of a minor implies his/her emancipation, OMCT would like to stress the absence of clarity concerning the responsibilities of such persons in case of a criminal offence. It would therefore be useful for the government to give additional information concerning the legal status of minors contracting marriage.

5. Furthermore, paragraph 105 of the Report states that "only Guatemalans aged 18 years and over may be recruited into the armed forces, ... and the recruitment of minors is prohibited."

Nevertheless, Human Rights Watch 1995 reports that "During the months of May, June and July (1994) ... the army launched a massive campaign, rounding up hundreds of indigenous and poor ladino youths without previous citation or family notification, and disregarding completely required exemptions for those who were the sole support of their families or under draft age."

In this particular instance, after a major outcry from human rights groups and the press, the Human Rights ombudsman, Jorge Mario García Laguardia, managed to obtain the release of 333 youths (including 148 minors) who had been recruited. However, the facts cited are cause for concern as they are indicative of a widespread practice and because they point to at least two serious violations: 1) the forced recruitment of particular sectors of the population, which is in breach of the principle of non-discrimination contained in Article 2 of the Convention on the Rights of the Child; and 2) the drafting of minors which is in contravention to the Constituent Law of the Army of Guatemala.

6. In its section on the right to education, paragraph 99, the Report states that article 74 of the Constitution stipulates that "all inhabitants have the right and obligation to receive initial, pre-primary, primary and basic education within the age limits established by the law." The Report further states, in paragraph 108, that "In August 1994 the Ministry of Education established the National Commission on Indigenous Educational and Cultural

Policies and Strategies to elaborate policies and strategies to protect the indigenous cultural heritage, support intercultural bi-lingual education ..."

OMCT welcomes the introduction of the policies cited in paragraph 108 of the Report, however notes that according to evidence the right to education contained in the Constitution has not been respected; either through cultural discrimination or a lack of monitoring by the education authorities in order to ensure that Indigenous children receive at least enough Spanish schooling to reach an adequate level in the country's official language. According to an August 1994 report by the Human Rights Commission of Guatemala (CDHG) to the United Nations Subcommission for the Prevention and Protection of Minorities, formal schooling in Guatemala is based on European history while no mention is made of the Mayan culture and "is conducted in Castilian, in spite of the fact that a high percentage of the population only speaks its own language."

OMCT therefore urges the government of Guatemala to implement the new policies mentioned as soon as possible and to ensure that all indigenous children be given the opportunity to exercise their full rights to education.

### **III. The Right not to be subjected to Torture**

**7.** OMCT acknowledges that the Guatemalan Constitution and legislative instruments contain measures relating to the protection of children in conflict with the law. However, several well-documented cases show that these laws are ineffectively implemented and that those who break them often go unpunished.

According to the legislation in force, any child detained must immediately be brought before a competent judicial authority and, moreover, no child may be taken to a police station, military quarters or a detention centre for adults (paragraph 146 of the Report).

Although such measures are intended to ensure the protection of children against torture as provided by Art. 37 of the Convention, it should be recalled that as the Committee against Torture stated at its 15th Session in November 1995, the practice of torture and other cruel, inhuman or degrading treatment or punishment in Guatemala seems to be endemic and that, moreover, there are allegedly numerous children among the victims.

Indeed, every year many children are arrested, detained or "held" illegally by the authorities. Although the law demands that they be taken before the competent judicial authority, such children are frequently kept in custody at police stations or military quarters; and even when they are released shortly afterwards they are almost systematically victims of ill-treatment or torture.

**8.** In the period between September 1991, date of the entrance into force of Guatemala's ratification of the Convention on the Rights of the Child, and April 1995, when the report was submitted, numerous cases were reported of ill-treatment, torture, arbitrary detention and extra-judicial killing of children by army officers, the National Police, Civilian Patrol groups and government sanctioned private police. In a report by the Human Rights Commission of Guatemala (CDHG, November 1993), it is stated that between 1 October 1992 and 30 September 1993, there were 16 extra-judicial killings of minors, 1 forced disappearance, 48 murder attempts, 3 arbitrary detentions and 13 death threats.

However, the Report makes only passing mention, and in a very general way, of this widespread phenomenon in paragraph 147, where it states: "The Office of the Human Rights Procurator, through the children's Ombudsman, has investigated complaints of the ill-treatment of children." Furthermore, OMCT observes that such investigations seem to refer essentially to ill-treatment within the family or the educational system.

**9.** OMCT is gravely concerned about the superficial acknowledgement on the part of the Guatemalan government of the catastrophic state of juvenile justice in this country, and believes it would be appropriate to include detailed accounts of cases, including the sectors of the population most at risk - such as street children and indigenous minors - in order to shed light on the extent of the problem. The government should also outline the measures it plans to adopt in order to resolve it. The concern is all the more urgent given that a general pattern of impunity for crimes against children has been established.

**10.** In paragraph 153 of the Report it is stated that "In the period 1990 - 1994 alone Casa Alianza, acting on its own or in conjunction with the Office of the Children's Procurator of the Public Prosecutor's Department, has initiated criminal proceedings in 188 cases involving a total of 282 persons."

OMCT would like to point out, first, that the initiation of criminal proceedings does not always imply their resolution. It would therefore seem appropriate to ask the government of Guatemala to provide more information on the cases alluded to including the outcome of the proceedings. Secondly, in its November 1995 publication "Torture of Guatemalan Street Children - 1990 - 1995", Casa Alianza reports cases of serious violations - torture, ill-treatment, and summary executions - for which there were either no criminal proceedings, or the sentence given was disproportionate (lighter) to the crime and no compensation was paid to the victims or their families.

**11.** OMCT wishes to stress, as it has done already with Report CAT/C/12/Add.5) on Guatemala, that in order to initiate action against a torturer, it is essential, according to the legislation in force, for the victim to file a complaint. However, in practice, most of the victims fail to complain either because they ignore the procedure to be followed or because they fear reprisals.

In accordance with Article 12 of the Convention Against Torture, those responsible of acts of torture must be automatically prosecuted. Indeed, the article in question makes it mandatory for the States Parties, of which Guatemala is one, to carry out an immediate investigation any time there are reasonable grounds to suspect that an act of torture has taken place within its jurisdiction.

The fact that the prosecution of torturers depends, according to Guatemalan legislation, on legal action undertaken by the victim is a breach of Article 12 of the Convention Against Torture and should be considered a breach of the Convention on the Rights of the Child, particularly Articles 19.1 and 37 (a) which compel the State to take every legislative or administrative measure for the protection of children against any form of violence and to ensure that no child be submitted to torture.

**12.** The government identifies a lack of resources, shortage of personnel, etc. (paragraph 151 of the Report) as the main constraints to the investigation and prosecution of members of the National Police who have committed violations against children's rights. These same shortages, however, do not seem to correspond to the massive mobilisation of agents so often enacted as a means of repressing social unrest, even when peaceful, such as student or land workers' demonstrations.

It should be noted, moreover, that usually the authorities refuse to carry out investigations. It seems to be the norm that those responsible avoid prosecution in spite of having been identified, and generally to continue in their posts.

OMCT believes that more pressure must be placed on the system - through greater dissemination of the principles of the Convention, monitoring of state agents' actions and sanctioning of crimes committed against children - in order to implement the existing laws and the provisions of the Convention on the Rights of the Child.

**13.** On a positive note, OMCT acknowledges that some efforts have been made by the

government of Guatemala towards making progress in this area. It has created a special Minor's Department in the National Police and initiated a training programme for police officers in children's affairs, as outlined in paragraphs 154 and 155 of the Report. We would like to stress, however, that such measures are only significant if they are closely monitored and enforced through the appropriate legal and judicial channels.

#### **IV. Children in Conflict with the Law**

**14.** Article 37 (c) of the Convention on the Rights of the Child states that:

"Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances."

**15.** Article 20 of the Guatemalan Constitution, as well as articles 5 to 7 of Title II of the Minors Code are in accordance with the above mentioned provisions and with the provisions of article 40 of the Convention on the Rights of the Child. However, as we have noted elsewhere in the Report, there is a lack of specific information about the practice of the existing laws and the relative statistics and therefore no evidence that, apart from the existence of legislative measures, the judicial processes have been enforcing a full compliance with the Convention.

The lack of explicit information is cause for concern particularly because the Report itself admits to some problems, as stated in paragraph 304: "It is argued that the internal changes of personnel in the National police prevent due continuity and follow-up; the problem is a shortage of resources for recruiting personnel and purchasing equipment for the Minors Department."

OMCT acknowledges the fact that the general institutional unrest in Guatemala may bear a negative influence on the fulfilment of obligations, but stresses yet again the importance of applying pressure to ensure that the rights of children in conflict with the law be regarded with the attention the issue and situation merit.

**16.** According to paragraph 118 of the Report, when a minor is apprehended by the police, the officer in question must indicate to him/her the right to "remain silent and to make his statement before a judge". The Guatemalan procedural rules for dealing with minors are:

"(a) The minor shall immediately be brought before a judge;

(b) The judge shall question the minor in private;

(c) The agent of the National Police shall submit to the judge a report on the facts of the case;

(d) The agent of the National Police shall notify the minor's parents or other family members;"

(paragraph 301 of the Report).

However, we wish to stress the contradiction between such provisions and police practice. Many of the cases in which OMCT has had to intervene in recent years show that usually the detained minors are not informed of their rights, nor are they immediately brought before the judicial authority.

In practice, illegal custody seems to be regarded as the norm, as exemplified by the case of **Santos Francisco Meda Veliz** (14) and **Jorge Enrique Tum** (17) who, on 18 January 1994, were arrested by uniformed members of the National Police for suspicion and held for two days in a police sub-station in Guatemala City where they were made to perform humiliating tasks and were not fed. The only punishment received by the three National police officers responsible for the illegal detention and ill-treatment of the minors and the violation of the procedural rules was a transferral to a different police post, while no formal legal proceedings were initiated against them.

It should also be pointed out that some of the procedural rules, even when adopted, do not fully correspond to the provisions of the Convention. For instance, the procedure of producing a minor before a judge precludes the presence of parents or tutors or legal assistance. This rule fails to provide any guarantees for the respect of the child's rights as set out in Article 40.2.b of the Convention.

Furthermore, OMCT observes that the judicial authority, on the strength of the child's first appearance, may order the implementation of precautionary measures, ie. transfer the minor to one of the existing centres (paragraph 60 of the Report) a measure which is similar to preventive detention and the duration of which does not seem to have been clearly determined.

This may consequently constitute a case of illegal custody as well as excessively long detention without the case having been effectively settled in accordance with the provision of Art. 40.2.b. of the Convention. The possibility of this occurring is enhanced by the predisposition or prejudice, as stated in paragraph 297 of the Report, on the part of the judicial authorities, particularly in cases of reoffending.

**17.** According to the Report (paragraph 61) the reasons for the detention of minors include "acts against personal integrity...acts against the public order...acts against the safety of individuals...".

OMCT notes with concern the absence of definitions of such breaches. Special attention should be brought to bear on the expression "acts against the public order". The authorities ought to explain what such an offence implies, as well as the type and duration of applicable sanctions, and whether in such instances the case should be settled by the juvenile judge or some other judicial authority.

Such an explanation appears to be all the more important since, according to various sources, many students minors in age have been apprehended on several occasions and deprived of liberty due to their participation in demonstrations.

Moreover, in view of the apparent similarity between "acts against personal integrity" and those termed "acts against the safety of individuals", the Committee should ask the authorities to explain the difference between these two types of offence and if in practice they may give rise to a cumulation of penalties.

**18.** The Report, in paragraph 300, states that two of the aims for 1996 are to "monitor the observance of the procedural manual in cases involving minors" and "to provide training for all members of the police in the procedural rules...".

OMCT regards this step as positive, however would like to see greater efforts made towards the sanctioning of police officers and any other state agents who violate the procedural rules.

**19.** According to article 37 (a) and (b) of the Convention on the Rights of the Child, the deprivation of a child's liberty is considered as a measure to be taken as a last resort and should be as short as possible.

Paragraph 297 of the Report states that "The Social Welfare Department, through the Office of Treatment and Guidance for Children, designed and is carrying out an assisted release programme, which is designed to avoid the unnecessary internment of adolescents who have committed trivial offences." This leads us to believe that the Convention provision regarding the deprivation of liberty had not been respected. OMCT therefore urges the government of Guatemala to enact the designed release programme as quickly as possible and, finally, to abolish the practice of internment of children who have committed minor offences or any offence for which deprivation of liberty would be contrary to the best interests of the child.

Furthermore, OMCT demands that the government of Guatemala set up an efficient mechanism to monitor the activities of all centres where minors in conflict with the law are cared for or detained. This follows a disturbing report of an incident in the Galvotas state detention centre for boys where, in October 1994, **Luis Felipe Pop** (16) was detained violently and severely beaten as punishment for trying to escape with other minors. Members of the staff at the centre later admitted to putting children in solitary confinement cells.

**20.** OMCT acknowledges the efforts made by the government in providing and restructuring services for the rehabilitation of children in conflict with the law, such as the Office for the Treatment and Guidance of Children (TOM), "which provides comprehensive treatment for minors with behavioural problems" (paragraph 294 of the Report).

What is not clear in the Report are the criteria adopted in the decision to submit children to the care of TOM - for instance, what is meant by "behavioural problems"; does the service cater specifically for children who have been charged and found guilty of offences; and what is the duration of care.

## **V. Children in Situations of Emergency**

**21.** Although the Report cites a number of measures adopted in order to resettle refugees and displaced sectors of the population as a result of the armed conflict, there is no mention of laws or legal provisions intended to cater specifically for children caught in areas of armed conflict, nor details of the number of children affected by military operations and displacement.

**22.** One of the conditions laid down by returnees had been that the areas of resettlement be under the control of civilian authorities and that there be no military presence. The request was not respected. Indeed, military repression has continued, particularly as a response to industrial action or any form of demand for land and better conditions in rural areas. This has included (as cited in paragraph 4 of the present report) the forced recruitment of youths and minors.

Other difficulties encountered by returnees have been the lack of services such as health, housing, food and education. A report by the CDHG to the United Nations Committee on Human Rights (February 1994) states that in spite of international financial aid, support provided by the government was ineffective, provisional and insufficient. The report further states that in the month of July 1994, in the area of Polígono 14, renamed Victoria de enero, situated in the North of El Quiché, "155 children were gravely ill due to a malaria epidemic and 200 more were exposed to infection due to a lack of preventive measures."

**23.** OMCT is concerned about the plight of children in resettlement areas and aware that those children are often victims of discriminatory policy based on ethnic and social grounds. We therefore urge the government of Guatemala to take the necessary measures to secure the safety of children in resettlement areas and all those confronted

by armed conflict. Furthermore, we feel obliged to highlight the urgent need to find a quick and just resolution to the distribution of land in resettlement and all rural areas, the demilitarisation of such areas, and the putting in place of health, housing and education services in order to ensure the right to development and protection of all children affected.

## **VI. Economic Exploitation of Children**

**24.** Article 32 of the Convention states that:

"1. States Parties recognise the rights of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

"2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provision of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

**25.** The government of Guatemala does not lack the necessary legislation to tackle the problem of child labour. However, as is recognised by the Report itself (paragraph 306), the said legislation is not always implemented and child labour is generally tolerated.

The Report justifies the participation of minors in the formal economic sector in rural indigenous areas by stating that this "is a 'tradition' stemming from the exploitation to which this population group has been subjected as part of its marginalisation since the colonial era." No statistical data are given about the ages of children participating in the economic sector, nor of the conditions in which they work.

OMCT recognises that the existence of child labour in rural indigenous areas is part of a structural and historic phenomenon. However, we regard the government's attitude, as expressed in the Report, as one of passive acceptance of a situation which clearly puts at risk the health, education and development of children. We consider the situation all the more disturbing given the social, industrial and armed conflicts in rural areas where even adult employees are exploited and work in hazardous conditions.

**26.** Paragraph 306 of the Report further states that a new pattern is that of children's "participation in the informal sector and marginal economic activities...".

Again, there is a lack of statistical data in the Report on this particular phenomenon which leads OMCT to believe that the government has not investigated the working and living conditions of such children and the kind of economic activities in which they might be involved. We therefore urge the government to look into the situation and take the necessary measures in order to ensure the protection of children exposed to hazardous conditions, discrimination, exploitation and crime, and to put in place the structures for their physical and psychological recuperation and social reintegration, as provided by article 39 of the Convention on the Rights of the Child.

**27.** OMCT acknowledges that the Republic of Guatemala aims to make greater efforts in order to comply with the Convention on the Rights of the Child and other international



instruments it has ratified regarding child labour. However, we feel that the planned measures outlined in paragraphs 317 to 320 of the Report are inferior to the requirements of the situation. Given that the problem is, as expressed in the Report, a structural one, a stronger approach will be needed to ensure that national legislation and international norms are implemented and enforced.

The unequal distribution of land and wealth, exacerbated by armed conflict and repression by the armed forces, is at the heart of the extreme poverty in which 85% of the Guatemalan people live. These are the fundamental causes of child labour and exploitation. Until there is genuine social change, it seems unlikely that legislation will suffice to stem the exploitation of Guatemalan children and the grave risks to their health, education and development.

## **VII. Conclusion**

**28.** OMCT appreciates the "difficulties of the implementation of the provisions of the Convention" encountered by the Guatemalan government, as set out in paragraphs 325 to 326 of the Report. We also recognise that, in terms of the information given regarding the existing laws and adjustments made for the protection of children, steps are gradually being taken towards a full observance of the Convention.

However, legislation alone is clearly insufficient in the tackling of the many problems facing Guatemalan children; particularly as the system is too weak to enforce the laws and often tolerates impunity.

**29.** The Report gives detailed accounts of the means employed by the government to put into effect some of the provisions of the Convention. However, there is insufficient information concerning the effectiveness of such measures and of the government's achievements in protecting the rights and welfare of children.

Indeed, as indicated elsewhere in the present OMCT report and in the additional information below, Guatemalan children are among the most affected by the country's military, institutional, economic and social crises.

Although the general state of unrest in which the country finds itself puts at risk the right to life and welfare of all Guatemalan children, of particular concern are the rights and welfare of children in conflict with the law; children affected by extreme poverty and living in hazardous conditions and exposed to crime, exploitation and ill-treatment; indigenous children; children living in areas of military operations.

**30.** OMCT believes that priority should be given to measures ensuring the observance, on the part of the National Police and the judiciary, of the rules governing their actions in respect of children in conflict with the law; to apply sanctions in all cases of mis-justice, ill-treatment, cruelty or violence against children; finally to set up the necessary structures, legal, economic and institutional, to disseminate and enforce the principles of the Convention on the Rights of the Child.

## **VIII. Additional Information**

### **Cases of ill-treatment and miscarriage of justice against street children**

#### Case No. 1

Thirteen years old **Nahaman Carmona Lopez** was killed by a member of the National Police on March 4, 1990. After being detained along with three other children for sniffing

glue, he was ill-treated, had glue poured over his head and into his eyes, was thrown to the ground and kicked for several minutes. He died ten days later with 6 broken ribs, bruising over 60% of his body and a burst liver.

After almost three years of legal battles, a retrial was ordered and four policemen were jailed for 12 years each and ordered to pay Q. 10,000 in civil damages to the boy's family within 3 days. Although the four policemen are in jail, the compensation has not been paid either by those responsible or by the government.

#### Case No 2.

Seventeen year old **Walter Federico Flores** suffered several injuries to the head and face after being bashed by two uniformed agents of the National Police, who are believed to be cadets, on October 23, 1991. A forensic report was made and a complaint was presented to the juvenile judge. The juvenile judge apparently did not pass the case on to a criminal court and the police refused to cooperate in the identification of the agents involved. The case was simply abandoned.

#### Case No 3.

On March 6, 1992, the Guatemalan army did a round up of suspicious people on 18th street, Zone 1, in Guatemala City. Along with adults, they arrested street children: **Boris Velasquez** (17), **Jose Manuel Lopez** (15), **Karlo Antonio Contreras** (16), **Luis Antonio Roldan** (16), **Erick Mendez Lopez** (16), **Marvin Antonio Mejia** (16), **Moises Rivas Colomer** (13), **Juan Lopez Gonzalez** (13). Witnesses described the way the children were beaten with rifles, handcuffed, tied up with rope and thrown into the back of a truck. They were then illegally detained.

A lawsuit was opened against the soldiers by Casa Alianza. The minors and witnesses made declarations. However, the officer whose name was given was let go after an interview and nothing else was done about the case.

#### Case No 4.

Seventeen year old **Sergio Miguel Fuentes Chavez** and another street youth were seen by a private policeman as they were attempting to steal a pair of sunglasses in a Guatemala City market. The policeman put his pistol to the boy's head and fired. The boy died instantly. The other youth was threatened with the same treatment and then let go.

In spite of calls from Casa Alianza, the Public Ministry did not initiate an investigation for six months and only did so after international pressure. An arrest warrant was issued for the policeman allegedly responsible of the murder but the warrant has still not been served.

#### Case No 5.

Street boys **Ruben Garcia Gonzales** (14), **Daniel Rosales** (10), and **Victor Manuel Garcia** (12) were shot at by two private policemen in the street on September 24, 1994. The first two boys died, the third was taken to hospital with serious bullet wounds.

Both private policemen were detained on the date of the crime and are currently still in jail. However, they have not been given a sentence and there has in fact been no trial as yet.

Case No 6.

Seventeen year old **Americo Orantes** and a number of other street youths held up a pedestrian in Zone 1, Guatemala City. At that point, a man dressed in civilian clothes came towards the youth and fired a shot in the air. The minors began to run off. The man continued to fire indiscriminately, hitting one boy in the right knee and mortally wounding **Americo Orantes**. The man who did the shooting was allegedly a member of the Criminal Investigation Department of the National Police.

As a result of a worldwide urgent action launched by non-governmental organisations, an initial investigation was undertaken by the National Police. However, due to a fear of reprisals, the other children who witnessed the event refused to go to police headquarters to identify the photograph of the culprit. As a consequence, the case was left suspended.

### **Other Cases**

Case No 7.

On 23 June 1993, the minors **Tomas Pantzay Calel**, **Santos Patzay Calel** and **Fausto Patzay Chom** were kidnapped by Sebastian Tol Felipe, Juan Cun Ventura, Diego Ajpop Mejia and Raul Cente Ventura, respective chiefs of Civilian Patrol Groups (PACs) of the regions of Saquilla II, Pachoj, Xalbalquej and Xepacol. The minors were captured for military service, however after being taken to a military detachment and later to military zone 20 in Santa Cruz de El Quiche, they disappeared. The Mutual Support Group (GAM), initiated judicial proceedings and on the 13th of June three of the four PAC chiefs were arrested while the fourth remained in liberty.

Case No 8.

In June 1993, the families of Jeronimo Morales Tiriquiz and Tomas Suy Canil took refuge in the offices of the Ethnic Communities Council of Runujel Junam after receiving death threats. The threats were allegedly made because the rural workers refused to participate in the local Civilian Patrol Groups. The lives of the children belonging to these families were also placed at risk. The children's names are: **Juan Morales Xon** (10), **Manuela Morales Xon** (8), **Anastasia Morales Xon** (6), **Domingo Morales Xon** (4), **Rolando Ismael Suy Mejia** (9 months), **Carlos Mejia Tian** (12).

Case No 9.

On 11 May 1993, students **Ana Elvira Cortez Montes** (17), **Erika Chapeton** (16) and **Ingrid Franco** (16) were intoxicated by tear gas thrown by the anti-riot squad during a protest against the student identity card (cedula estudiantil) which annulled their right to travel cheaply on public transport. A number of other high school students were beaten and arrested. In order to justify the violent reaction, the army tried to link the students' demonstrations to the National Revolutionary Unit of Guatemala and alleged that arms had been found in the two schools attended by the demonstrating students. As a consequence the two schools were shut down.

Case No 10.

In April 1992, fourteen year old **Armando Estuardo Lopez** was hospitalised and operated on urgently after being attacked by a policeman who beat him across the stomach with a club, causing serious injury to his duodenum. The attack occurred during a raid organised by the army and police into the Instituto Central para Varones, the school where **Armando** was a top level student.

## [Home](#)

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