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FOR IMMEDIATE RELEASE

November 21st, 1997

GUATEMALAN ATTORNEY GENERAL RECOMMENDS
GOVERNMENT PAYS DAMAGES TO
FAMILY OF MURDERED STREET CHILD

The Attorney General of Guatemala, Asisclo Valladares Molina, has recommended to the President of Guatemala, Alvaro Arzu, that the State pay court ordered damages to the family of murdered 13 year old street boy Nahaman Carmona Lopez, who was savagely kicked to death by four uniformed policemen in March 1990.

This surprise revelation just came to light yesterday upon release of a yet uncontested April 1997 letter from the Attorney General to President Arzu which states, "I believe it to be elemental justice, Mr. President, that the State of Guatemala accepts (allane) this case as there is no discussion as to the solidary responsibility that corresponds (to the State)". The four National Policemen, who were condemned to 12 years in jail and ordered to each pay 5,000 quetzals (US\$ 830) in damages to Nahaman's family within three days of being sentenced, have never compensated the little boy's family for his death. (The four policemen were also illegally released from jail after having barely served half their sentence in August 1996).

In March 1997, on the seventh anniversary of Nahaman's death, Casa Alianza - a private social service agency that provides services for thousands of Central America's street children - placed a civil suit against both the convicted policemen and the State of Guatemala, represented by the Attorney General and the Director of the National Police, Angel Conte. Article 155 of the Guatemalan Constitution allows for the authorities to be "responsible in solidarity" for any damages caused by public employees in the execution of their duty.

"We are pleasantly surprised by the legal recommendation provided by the Attorney General to the President of Guatemala", responded Bruce Harris, the Executive Director for Latin American Programmes of Casa

Alianza, a branch of the New York based Covenant House. "The truth is that there was no other legal position to take as both the judicial order and the Constitution are quite clear. State employees murdered a little boy and they must compensate the family, period".

Whilst the legal situation may be clear, and the homeless boy's murder is sadly not the first case where uniformed authorities have murdered people, a Guatemalan court has never ordered the State to pay damages for the destructive actions of some of it's employees. Page Two

"The decision is now clearly up to the President of Guatemala", reflected the British Harris. "He either feels that innocent victims of State sponsored violence should be compensated as the law requires, or he is going to turn his back on the law and the human suffering. I truly hope and believe that he will do the right thing. It would be political suicide in the eyes of the world to do anything less. It comes down to him and only him".

If the Guatemalan government compensates the street boy's family (who lives in San Salvador), the move will set an important legal precedent that could then be used in the murders of scores of people by public employees who, at least up until recently, have considered themselves - and have actually been - above the law.

"This decision could end up costing the government millions", admitted Harris. "But it is the right thing to do", an argument that has not always carried weight in Guatemala. -----

For more information, please contact Bruce Harris at the Latin American Regional Office for Casa Alianza in Costa Rica at +506-253-5439 or at <bruce@casa-alianza.org>

or Asisclo Valladares, Guatemalan Attorney General in Guatemala at +502-331-1011

The full Spanish text of the letter:

PROCURADURIA GENERAL DE LA NACION
GUATEMALA, C.A.

Oficio No. 067-97 UAAD

Guatemala, 29 de abril de 1997

Senor Presidente:

Previo testimonio de las muestras de mi mas alta consideracion, me dirijo a usted para manifestarle que se ha presentado una demanda en

contra del Estado de Guatemala ante el Juez 4o de Primera Instancia Civil, identificada con el numero 434-97, notificador lo como consecuencia de la sentencia ejecutoriada, dictada en contra de miembros de la Policia Nacional, responsables del fallecimiento del menor Naaman Carmona, quienes fueron condenados a 15 anos de prision y al pago de Q.5.000.00 cada uno, lo que hace un total de Q20.000.00 por concepto de responsabilidades civiles.

De conformidad con el articulo 155 de la Constitucion Politica de la Republica de Guatemala: "Cuando un dignatario, funcionario o trabajador del Estado, en el ejercicio de su cargo, infrinja la ley en perjuicio de particulares, el Estado o la institucion estatal a quien sirva, sera solidariamente responsable por los danos y perjuicios que se causaren". En tal virtud y de conformidad con lo establecido en el articulo 15 del Decreto 512 del Congreso de la Republica de Guatemala, por este medio pido autorizacion expresa para allanarme a la demanda antes mencionada. Estimo de elemental justicia Senor Presidente, que el Estado de Guatemala se allane a este caso, por cuanto que no es discutible la responsabilidad solidaria que le corresponde.

Agradeciendo su atencion a la presente y en espera de su respuesta me suscribo de usted.

Respetuosamente,
(firmado)
Licenciado Asisclo Valladares Molina
Procurador General de la Nacion

Senor
Alvaro Arzu Irigoyen
Presidente Constitucional de la
Republica de Guatemala
Su Despacho