

Rights and a Child

**EUROPEAN media as "WATCHDOGS"
on an American human rights abuse?**

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Did the United States legal system, as practiced in Jefferson County, Colorado, violate civilized standards of human rights in relation to the treatment of children?

That is the question posed by a case which was little reported in the United States, but has sparked outrage and concern in countries of Europe.

European news media acted as "watchdogs" to raise European public concern for pressure on the American government in the case of an 11 year old Swiss-American boy arrested and imprisoned on charges of sexual abuse related to incest. Particularly shocking in parts of Europe

was the appearance of the boy in court handcuffed and in chains.

For information on the growth in American preoccupation with incest and child abuse see this [About.Com](#) page.

Although both the *Associated Press* and *Reuters* news services have covered the case, American media for the most part ignored the story until dispatches in European newspapers stirred emotions in many parts of Europe - and produced a minor crisis in American- European relations.

In one of the few full treatments of the issue by an American newspaper, *Boston Globe* correspondent Patricia Ochs reported from Paris on October 22, 1999:

PARIS - The decision Tuesday by a Colorado judge to bring to trial 11-year-old Swiss-American Raoul Wuthrich for aggravated incest has inflamed much of Europe, setting off angry criticism of the way America treats the children in its justice system.

"Switzerland is Scandalized," read a headline yesterday in *Blick* (Look), a daily tabloid based in Zurich. The article quoted Swiss citizens on the street as saying, "It's brutal to keep an 11-year-old in jail," and "Americans are prudes."

The newspaper has set up a fund to help the Wuthrich family pay its legal costs, and says it has nearly 40,000 signatures on a petition aimed at gaining the boy's release.

Police arrived at the home of the boy, Raoul, at 11 p.m. on Aug. 30 when he was in bed. He was arrested, handcuffed and detained for seven weeks in a juvenile facility after a neighbor reported to the police that she saw him pull down his sister's pants and touch her inappropriately.

Raoul's mother and stepfather, who had quickly departed for Switzerland with their three daughters following the arrest, have said the boy was merely helping his sister urinate and said they were afraid social services would take the other children, too.

Lawyers for the boy, whom the judge released into foster care in Tuesday's ruling, say he will plead not guilty. His

arraignment is scheduled for Nov. 8.

At the ruling in Jefferson County on Tuesday, more than 40 European journalists descended on the courthouse, sending back dispatches that criticized the numbers of incarcerated children in the United States, which are estimated to number more than 100,000. In Switzerland, children under the age of 14 cannot be arrested.

The State Department says it is monitoring the case, but adds it does not have the jurisdiction to take action.

On Wednesday, a Swiss Foreign Ministry spokeswoman, Monika Schmutz, expressed relief that Raoul was being taken out of detention and placed in foster care. "We have worked on getting him out of there," she said, adding that the ministry would continue to monitor proceedings closely and reserved the right to take further diplomatic steps.

"We are from two totally different cultural backgrounds," said Hans Peter Spoerry, deputy editor of *Der Bund*, a daily newspaper in the Swiss capital, Berne. "America is being abused by the tabloids here," he said. "I hate that. But I cannot understand how anyone can think of putting a boy in jail."

"The charges that we're America-bashing isn't true," George Wuthrich, a *Blick* journalist covering the story, said last night. "A child at such an age should be seen by a therapist."

The case has also generated outrage in Germany and Austria. A German member of parliament, Vokmar Schultz, who observed the court proceedings in Colorado Tuesday, was quoted yesterday as calling certain segments of the US justice system "archaic."

The boy's treatment has refocused attention in Europe on the United States refusal to sign the [Convention on the Rights of the Child](#), adopted by the UN General Assembly in 1989 and ratified by 191 countries.

The convention states that a child in conflict with the law

has rights that promote the child's sense of dignity and worth. It adds that judicial proceedings and institutional placements should be avoided wherever possible, and that the judicial system should aim to reintegrate the child into society.

Material from Reuters was used in the above report. This story ran on page A02 of the Boston Globe on 10/22/99. © Copyright 1999 Globe Newspaper Company.

US JUDGE ORDERS 11 YEAR OLD TO STAND TRIAL

GOLDEN, Colo. (Reuters, October 19) - An 11-year-old Swiss American boy accused of sexually molesting his five-year-old sister was ordered to stand trial by a judge Tuesday.

The boy holds dual Swiss and U.S. citizenship and his case has become a cause celebre in Switzerland, where his father has claimed the youth has been unfairly held in jail since August.

Jefferson County Magistrate Marilyn Leonard said, "I find that probable cause does exist to believe that this boy has committed a crime." She ordered that he be sent to a foster home until a place is available at a residential treatment center.

The boy, not being named by Reuters because he is a juvenile, was arrested in May after a neighbor in Golden, Laura Mehmert, reported to police that she saw the boy lowering his younger sister's underpants and pushing himself against her.

Two social workers testified at the hearing Tuesday that the little girl had told them her brother had touched her genital area repeatedly. The boy's father has insisted to reporters in Switzerland that the boy was just helping his sister to urinate.

THE ISSUE IN DEPTH

By J. Jennings Moss

ABCNEWS.com, October 21

The arrest and detention of an 11-year-old boy for allegedly sexually assaulting his 5-year-old sister has sparked an international debate over whether authorities have gone too far in policing children's behavior.

The boy, who has dual citizenship, was charged with incest this summer after a neighbor claimed she saw him fondle his sister. Since then, the boy, identified only as Raoul because he is a juvenile, has been held at a juvenile detention center and was just recently released into foster care.

Raoul's family, who fled to Switzerland, say they were bullied by social service workers and railroaded by prosecutors. But authorities say this is a case of people not wanting to see an awful truth.

Different Standards Than 10 Years Ago

In an editorial Monday, the Swiss newspaper Blick lashed out at Colorado authorities for cracking down on "harmless" behavior and clamored for Raoul's release.

"Ten years ago, a harmless play of 'doctor' was considered quite normal. But today, the prosecutors label it a crime of violence," the paper wrote. "Ten- and 11-year-old children are imprisoned because prudish and unrealistic lawyers want it that way."

Howard A. Davidson, director of the American Bar Association's Center on Children and the Law, says the case simply underscores how difficult it is to deal with minors and how serious the cases can be.

"The issues of young offenders are capturing the attention of the juvenile justice system and the criminal justice system." Davidson says much more is known today than

10 or 20 years ago about sexual abuse and there are more programs in place to deal with youthful offenders. As for prosecutors, he said they have an "obligation to society" to determine which cases to advance through the criminal justice system.

"The most common form of family violence is sibling abuse," Davidson said. "Obviously sexual assault within the family elevates sibling abuse to a different level. It's one thing to push your sister, it's another thing to sexually molest her. And we know the harm that's caused to children with sexual abuse. It's not just physical, it's emotional."

One County's Approach

One reason many courts or other government agencies take a forceful approach with young offenders is to prevent further problems as the child grows older. In Minnesota, Hennepin County has developed a program to identify children under age 10 who are risk at getting into major problems as teenagers or adults.

"For some kids and families, having a police officer go to a home and talk to the parents will work," says Kristi Lahti-Johnson, a planning analyst with the Hennepin County Attorney's Office. Hennepin County includes Minneapolis and its surrounding suburbs. But then there are young children with more serious problems.

Lahti-Johnson says county officials carefully assess each case involving children 10 or younger. They look at family income, criminal histories of parents and delinquency problems with older siblings. In about 8 percent of the cases, the county determines long-term intervention is needed. It then develops a way to monitor and help the child until he or she is 18.

Asked whether prosecutors and police become too zealous with some offenders, Lahti-Johnson says she has had confidence in the system. "In our office, we look very closely at the circumstances surrounding the referral and try to differential what is kids being kids and what is some very serious sexually abusive behavior."

Institutions Not Best Answer

But sometimes the push to control young behavior goes too far. "I certainly have seen at least one case where the state had committed a crime by placing a 9-year-old in jail for having sex with a 5-year-old younger brother," says Dr. Gilbert Kliman, medical director of the Children's Psychological Center and a forensic psychiatrist for children. "I thought it led to a cascade of tragic events," Kliman says, explaining that the boy developed a number of psychological hardships.

Kliman works mainly with children in institutions such as juvenile detention facilities or ranches for troubled boys. In those places, Kliman says he sees increased cases of sexual assault — boys who already had problems are raping or assaulting new boys placed in the facilities.

"We're better at building brick and mortar jails and group facilities than we are at supporting family functions," Kliman says. "We'd rather spend a few million dollars in building a new juvenile jail than building a child guidance center."

Kliman advocates more family involvement and supervision for children with problems. "There is an excessive use of criminal system in dealing with children who aren't even in puberty," he says.

THE PARENTS UNDER INVESTIGATION

GOLDEN, Colo. (AP) , OCTOBER 22 - The parents of an 11-year-old Swiss-American boy whose arrest on incest charges has created a furor in Switzerland ran a business out of their home called ``Ultimate Fantasies," The Denver Post reported today.

Andreas and Beverly Wuthrich, who fled to Switzerland after their son was arrested, registered the business in July, according to records cited by the newspaper. It quoted a source close to the investigation as saying it is an adult video production company.

Jefferson County authorities confirmed Thursday they are looking into the business, but said they don't know what it did. ``Investigators are aware of the business and are currently trying to establish exactly what type of business it is," said Steve Davis, spokesman for the sheriff's office.

In an interview this morning on NBC's ``Today," Mrs. Wuthrich denied any involvement in an adult-video company. The newspaper said records also show that she pleaded guilty last year to a misdemeanor child-neglect charge and a second, similar charge is pending. The mother was ordered to undergo parenting classes and fined \$78, according to court records.

``Both of those were for a neglect type of situation where the kids were left home alone for a period of time without being supervised," Davis said. ``It wasn't an abuse case like they were being beaten or anything like that."

The couple fled with their three other children after the boy, Raoul, was arrested on aggravated incest charges. Authorities began the investigation after a neighbor reported that she saw him fondle his sister. He is accused of inappropriate sexual contact with his 5-year-old sister. Mrs. Wuthrich said this morning that her son and daughter told her he was trying to help her go to the bathroom.

His parents, who have dual U.S.-Swiss citizenship, said they left after authorities told them their other children might be taken from them. ``I felt very threatened by the authorities," Mrs. Wuthrich said today.

Raoul was in a juvenile detention center from Aug. 30 until a court hearing on Tuesday, where a magistrate ruled that the case can proceed and had the boy placed in a foster home. The boy will move to a residential treatment center when a spot opens up. He is due in Juvenile Court on Nov. 8.

The case has created a furor in Switzerland, where people can't understand why an 11-year-old boy would be taken away in handcuffs and detained. The Swiss foreign

ministry has been swamped with calls.

MOM IN INCEST CASE VAGUE ABOUT ADULT HOME FIRM

**By Kieran Nicholson
Denver Post Staff Writer**

Oct. 23 - JEFFERSON COUNTY - The mother of an 11-year-old Swiss boy, being detained in Colorado on incest charges, gave conflicting information Friday about the nature of an adult business established at her Evergreen home.

Beverly Wuthrich, interviewed by telephone from Switzerland, told *The Denver Post* that the business name, *Ultimate Fantasies*, was nothing more than a "concept." She said that her husband, Andreas, created it with the idea it might someday be a Web site linked to an electronic "chat room."

However, she also told a Swiss television station that *Ultimate Fantasies* is an "erotic (Web) site for women" that she created. A source close to the investigation into the alleged incest had told *The Post* earlier that *Ultimate Fantasies* was an adult video production business. "Oh my God, that is really funny," Beverly Wuthrich told *The Post* on Friday. ". . . Basically, I do not have any pornography in my home whatsoever," she said.

But she told the Swiss private channel *Tele24* she had set up an "erotic site for women." The site linked directly to one where registered users could get access to hard-core pornographic pictures.

The detention of 11-year-old Raoul, accused of fondling his 5-year-old sister at the family's Evergreen home, has created a furor in Switzerland. *Blick*, a mass-circulation newspaper, questioned why the boy was arrested at night and held for six weeks without bond in a juvenile detention center. The newspaper, which had gathered thousands of

signatures for a petition calling for his release, said Friday it was pulling its appeal for donations in the light of the new information about his parents.

"As long as there is no explanation, we will not pass on any of the donations which were made to the "Help for Raoul" bank account which was opened yesterday," editors of *Blick* and its sister paper, *Sonntagsblick*, said. "We are sure that this is also in the interests of those who have made donations," their statement said.

(The blocking of funds has since been lifted, according to reports from Europe.)

Andreas and Beverly Wuthrich, who have kept dual residences, fled to Switzerland with three of their children after Raoul was arrested. Beverly Wuthrich also told *The Post* on Friday that she locked PG- and R-rated videos in a closet so they would be out of the reach of her children. She said none of the videos was pornographic.

"I had restricted my children from watching R-rated movies and PG-movies," she said. "I had locked them in the closet at my home because I didn't want my children to put on a movie that was not appropriate for them." The 30-year-old mother said that her husband registered the Ultimate Fantasies business name in July to start up an Internet site, but they hadn't gotten around to figuring out exactly what would be on the site.

"We really didn't have any plans with it other than possibly a Web site," Wuthrich said. "Some place were people could - there was going to be a chat room and that type of thing. We really hadn't got any type of concept together" as far as content. "There is no Web site that I have domain over," she said. "I had just barely begun the corporation."

Raoul was arrested Aug. 30 at the family's foothills home after a three-month investigation into the allegation of incest. The boy was taken from his home at night in handcuffs. Despite the lengthy investigation into the incident, authorities never issued a search warrant for the Wuthrich home.

Investigators are looking into *Ultimate Fantasies*, said Steve Davis, sheriff's department spokesman. Davis said Friday there is one case, not two, of child neglect involving Beverly Wuthrich. On Thursday, he had said there had been a case last year, as well as one pending. But there is no pending case, he said Friday. "We have only one case," he said.

Raoul's case file was unsealed this week by District Judge James Zimmerman because of the international interest in the case. Last May, a neighbor, Laura Mehmert, called authorities to say she saw the boy pull down his sister's pants in the yard and fondle her. Mehmert said she saw the boy touching and kissing the girl with his pants unzipped.

But Beverly Wuthrich has insisted that her son was helping his sister go to the bathroom. She said her family fled because they feared that they all could have been detained.

"I'm not sure how safe it is for me over there," she said. "I would really like to come back to the U.S. and visit my son, certainly. But I don't know how possible it is."

***The Associated Press contributed to this story.
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MORE CHARGES PURSUED IN INCEST CASE

By CATHERINE TSAI Associated Press Writer

GOLDEN, Colo. (AP), Nov. 4- There is enough evidence to bring a charge of sexual assault against an 11-year-old Swiss-American boy accused of fondling his younger sister, in addition to an earlier charge of aggravated incest, a judge ruled Thursday.

Prosecutors said the second charge was added because authorities have had trouble establishing proof that there is at least a half-blood relationship between the boy and the 5-year-old girl, a requirement to prove incest. The boy was set to be charged at arraignment Monday.

A neighbor had reported seeing the boy fondling his sister. According to court documents, the girl also told case workers of other incidents in which the boy molested her. The boy's mother and stepfather have said he only pulled down his sister's underwear to help her urinate. He is known by his first name, Raoul.

``This young man has maintained his innocence and I believe in his innocence,'' said Arnold Wegher, one of the boy's lawyers.

The case has created an uproar in Switzerland, where people can't understand why an 11-year-old boy would be taken away in handcuffs and detained. It has drawn a crowd of European journalists to the foothills of the Rockies.

The boy's mother and stepfather fled to Switzerland with their other three children shortly after Raoul was taken into custody. They said authorities told them their other children might be taken from them.

Raoul was held without bond for six weeks in a juvenile detention center until a magistrate ruled last month that he be placed in a foster home and then in a residential treatment center.

Last month, *The Denver Post* reported that the parents had registered a home-based adult video production company called ``Ultimate Fantasies.'' The father said no adult videos were produced in their home, while the mother denied any involvement in an adult-video company.

SECOND CHARGE PLACED

AGAINST SWISS-U.S. BOY

How he appears in court

By Robert Boczkiewicz

GOLDEN, Colo. (Reuters) , Nov 5 - Colorado authorities Thursday charged an 11-year-old Swiss-American boy with sexually assaulting his five-year-old sister after earlier charging him also with allegedly molesting her.

The boy, whom Reuters is not identifying because of his age, was back in court Thursday because of a technological trip-up. A tape recorder used in a hearing on Oct. 19 did not work and everything had to be repeated.

The boy was originally charged with aggravated incest for allegedly molesting his sister in May, an action that prompted outrage in Switzerland where the boy has become a cause celebre.

The second charge Thursday prompted the boy's lawyer to protest. ``There is no evidence that any of the touching was for sexual gratification, which is an element of both charges," Arnold Wegher told the magistrate Marilyn Leonard.

But the magistrate agreed with the prosecution and said there was enough evidence to charge the boy with both crimes. The boy will be arraigned on Nov. 8 at which time he will be able to enter a plea.

The same witnesses testified at Thursday's hearing. A former neighbor said she saw the boy pressing against his sister's bare bottom and putting his face in her crotch.

The parents, who have denied the charges, returned to Switzerland as soon as the boy was arrested, saying they were afraid their other three children would be taken away. Swiss authorities have said the legal system has treated the boy with a severity disproportionate to the charges because he was handcuffed at his arrest and placed in shackles during his first court appearance.

The magistrate Thursday closed the hearing when it came time to discuss where the boy would be placed next. "I don't want anybody to say anything that will indicate where this child will be held," Leonard said. He was moved to a residential treatment center after protests arose because he was originally put in a juvenile jail.

Authorities said they were having difficulty placing him because of media calls to the home and because the boy has admitted to starting fires.

During the hearing he ate a hamburger and fries and was given a pill from a prescription bottle. His attorneys have said he suffers from attentive deficit disorder. He also drew pictures with colored pencils and spoke with his lawyers, but it is not clear how much of the hearing he understands, both because of his age and because his first language is German.

"I think he continues to be overwhelmed by it all," Wegher said. "He continues to maintain he's not done anything wrong. It's hard for me to say what his total perception is of what is going on," the lawyer added.

Even if the boy is found guilty he would not be detained for more than two years because of his age. Authorities have said treatment and not punishment is what they want to see for the boy.

Colo. Judge Frees Swiss Boy Accused of Incest

By Judith Crosson

GOLDEN, Colo. November 10 (Reuters) - A judge on Wednesday dismissed incest charges against an 11-year-old Swiss-American boy, paving the way for the youth to return to Switzerland where his case has become a cause celebre.

State Court Judge James Zimmerman ruled at the end of

a 3 1/2 hour closed door hearing that the youth's right to a speedy trial under the Colorado constitution had been violated and freed him without any conditions.

A lawyer for the boy's family, Vincent Todd, said the youth would be returning to Switzerland ``in short order'' although he declined to give details.

The boy, whose name is being withheld by Reuters because of his age, was accused of touching his five-year-old sister inappropriately. His parents, who fled to Switzerland shortly after his arrest with their three other children, said the boy was only trying to help the girl urinate.

Todd said the family was considering suing Jefferson County officials, who had the boy arrested three months after the alleged incident took place, for slander.

A prosecutor, Sergei Thomas, described the dismissal as a "technicality." But the boy was described by his lawyers as being thrilled with the decision because it allows him to rejoin his family.

Under Colorado law, a defendant has a right to a trial within 60 days of arraignment. Prosecutors argued that the timetable began on Monday, Nov. 8, when the boy entered his not guilty plea. But the defense said the time period for a speedy trial began when bail was revoked and the boy put in a juvenile jail -- in this case on Sept. 8.