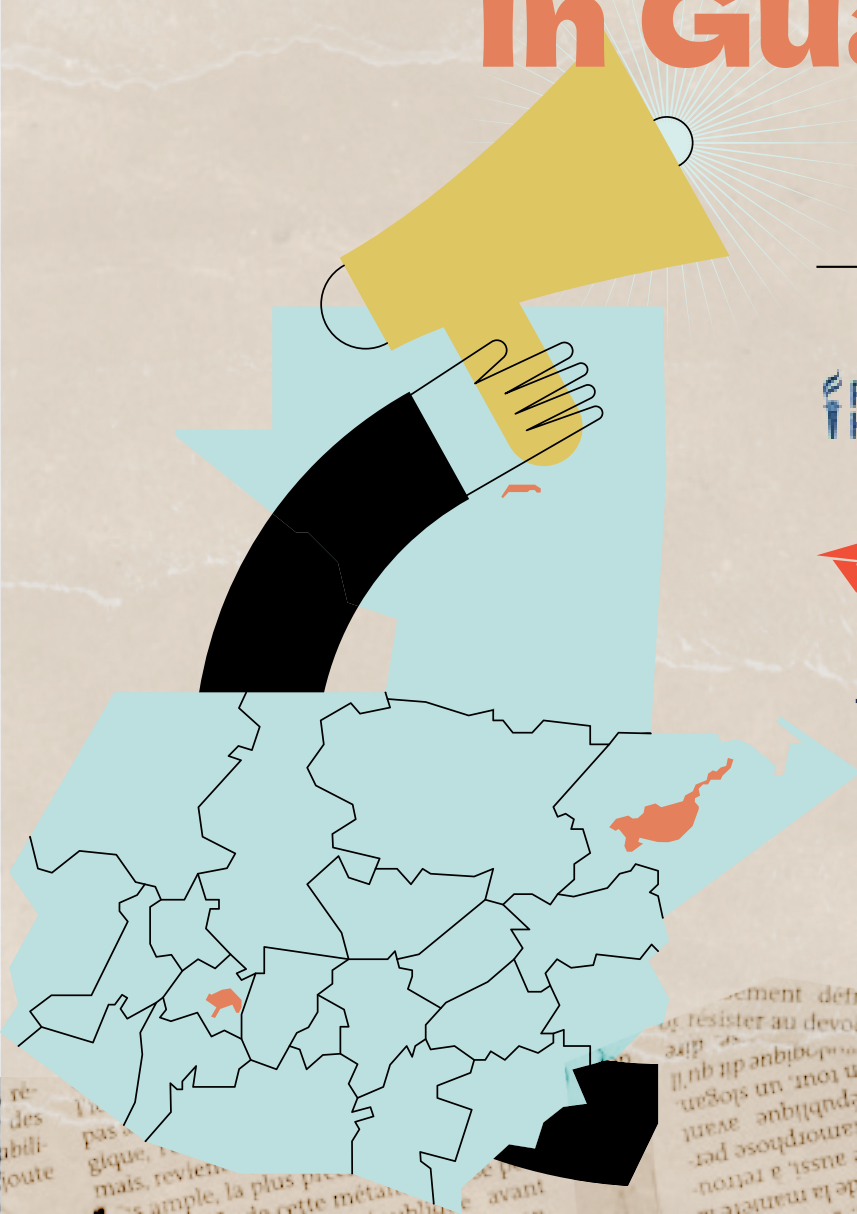


# REPORT ON FINDINGS of the international mission on freedom of press and of expression in Guatemala



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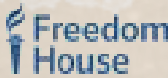
VOCES DEL SUR



# Report on findings of the international mission on freedom of press and of expression in Guatemala

2023

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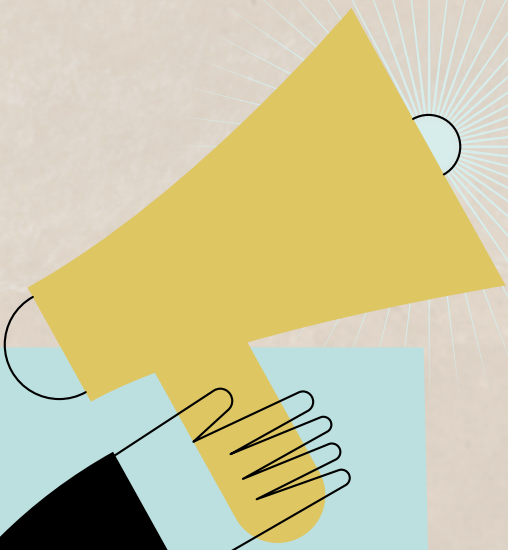
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# Intro- duction



In recent years, Guatemala has experienced a setback in its democracy, particularly regarding the progress made in the fight against corruption, with a political, economic, and military elite that has reintroduced its model of impunity<sup>1</sup>. This regime gained greater momentum with Jimmy Morales' government and has grown with Alejandro Giammattei's administration, which represses, censors and silences critical voices. The media, journalists, communicators, human rights defenders, and justice operators are attacked when they oppose this structure.

The civic space has been stifled by the increase in attacks on the press and by the absence of the role of the State as guarantor of a violence-free environment in the defence of human rights, along with the strong interference that these elites exert in various areas of the state, mainly in the judicial branch. As a parallel power structure, elites directly influence judicial

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1. Washington Office for Latin America Centroamérica: "El retroceso de la democracia ha sido inmenso" 14 de Junio 2022. <https://www.wola.org/es/analisis/centroamerica-retroceso-democracia/>

decisions and affect the impartiality of the system. In addition, this structure harasses and criminalizes journalists and communicators in both the physical and digital spaces, with the intention of silencing them.

Given this worrying situation and considering the elections held on June 25, various international organizations created a mission to oversee freedom of expression and of the press in Guatemala. The elections were general, which means that citizens voted for presidential authorities, councils, municipal mayors, and councillors<sup>RR1</sup>.

The mission aimed to analyse and make visible the violence and hurdles faced by journalists and communicators in the country, especially in the pre-electoral context. This report seeks to amplify their findings and the voices of journalists in Guatemala, while offering pertinent recommendations.

The mission was comprised of following international organizations: Article 19 Office for Mexico and Central America, Freedom House, Free Press Unlimited (FPU), Protection International Mesoamerica, Reporters Without Borders (RSF), Committee to Protect Journalists (CPJ), Fundamedios and the Foundation for Press Freedom (Fundación para la Libertad de Prensa - FLIP), in partnership with the regional networks IFEX-ALC and Voces del Sur.

From May 3rd to 17th, 2023, interviews were conducted with journalists and analysts in different parts of the Guatemalan territory and in exile. A total of 67 journalists were interviewed, with 15 located in different countries and 52 from various departments [provinces] of Guatemala, along with 12 civil society organizations. The mission presented pre-

liminary findings to certain members of the international community.

Meetings were also held with some government entities, including the Procurator on Human Rights (PDH), the Presidential Commission for Peace and Human Rights (COPADEH) and the Office of the Special Prosecutor for Crimes against Journalists of Quetzaltenango, which has coverage in 8 departments of the country. It is worth mentioning that the Presidency's Secretariat of Social Communication did not respond to the mission's request for a meeting; the Supreme Court of Justice ended up not confirming the requested appointment and the Supreme Electoral Tribunal did not grant an appointment.

The conversations with journalists were mainly conducted as focus groups. Participants shared their experiences and analysis on their practice of freedom of press in Guatemala. This report presents the findings and conclusions resulting from the observation mission. It also outlines the challenges faced by journalists and communicators, as well as the underlying causes of the current situation of freedom of expression in the country.

## CONTEXT

Guatemala, the most populous country in Central America's Northern Triangle, is going through a deep democratic crisis, which in turn is reflected in the other regional crises in Nicaragua and El Salvador. After the thirty-six-year armed conflict, the 1996<sup>2</sup> peace accords put an end to the war: they also established a commitment to put an end to existing illegal security forces and clandestine security organisations as well as the responsibilities of the State towards

RR1. Because of the dates, I turned the content into a past event.

2. Acuerdos de Paz de Guatemala. <https://www.sentirlasculturas.com/download/89/nacionales/12093/acuerdos-de-paz-en-guatemala.pdf>

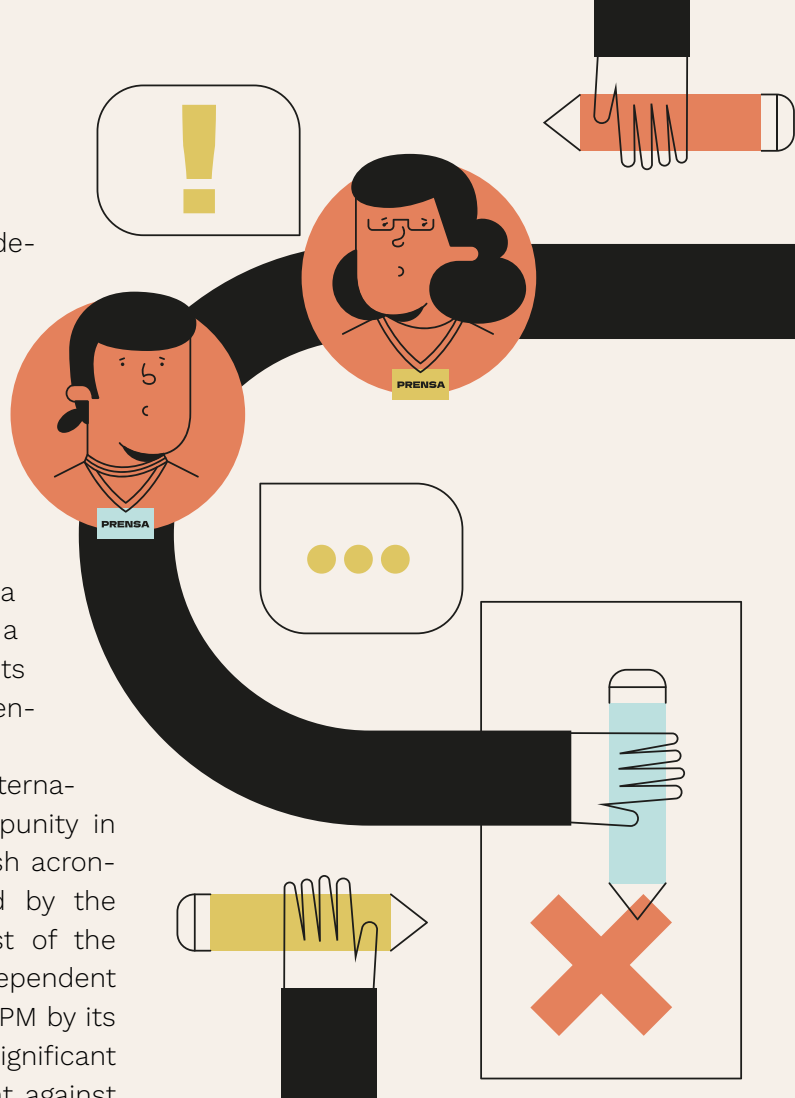
journalists and human rights defenders. Among these measures were the creation of an independent international commission with the purpose of assisting in the investigation and dismantling of illegal organisations and clandestine structures (which later materialized as the CICIG, a special prosecutor's office) and a mechanism to protect journalists that has not yet been implemented.

It was in 2007 that the International Commission Against Impunity in Guatemala [CICIG by its Spanish acronym] was launched -endorsed by the United Nations at the request of the Guatemalan State—as an independent body of the Public Prosecutor [PM by its Spanish acronym]. Since then, significant progress was made in the fight against corruption<sup>3</sup>. Its mandate in the country improved conditions for investigative journalism. The CICIG -in conjunction with the Public Prosecutor- supported investigations into “unlawful association” and “customs tax fraud” that led to the conviction of former President Otto Pérez Molina and former Vice President Roxana Baldetti<sup>4</sup>.

During its mandate, the CICIG together with the Special Prosecutor's Office Against Impunity [FECI, for its acronym in Spanish] identified more than 70 highly complex criminal structures, more than 120 high-impact cases were prosecuted; they indicted more than 1,540 people and had obtained some 400 convictions before their withdrawal from the country; these are highly significant

numbers in a country that had historically maintained high rates of impunity. In addition, the Prosecutor's Office had been supporting a series of cases against retired military personnel involved in serious human rights violations during the internal armed conflict. Such are the cases against Efraín Ríos Montt for the crime of Genocide or the sentence against three soldiers involved in illegal detention, enforced disappearance, torture and sexual violence in the case known as Molina Theissen, among others<sup>5</sup>.

However, with the arrival of President Jimmy Morales the situation took a drastic change after discovering that the investigations involved his family<sup>6</sup>. Morales adopted a hostile stance



3. Galicia, Nestor 2007: Congreso aprueba la Cicig, Prensa Libre 1 de Agosto 2007. <https://www.prensali-bre.com/hemeroteca/2007-congreso-aprueba-la-cicig/>

4. CICIG, Caso La Línea 27 de Octubre 2017. <https://www.cicig.org/casos/caso-la-linea-a-juicio-expresident-e-y-exvicepresidenta/>

5. Washington Office fo Latin America. Fact Sheet: the CICIG's Legacy in Fighting Corruption in Guatemala. 27 Agosto 2019. <https://www.wola.org/analysis/cicigs-legacy-fighting-corruption-guatemala/>



toward those investigating corruption networks, banned CICIG commissioner Iván Velásquez from entering the country, and created an adverse environment for journalistic work. In January 2019, the then-president unilaterally announced that he would not renew the Commission's mandate, putting an end to more than a decade of democratic advances for the country<sup>7</sup>. Although he argued that the CICIG was unconstitutional and posed a risk to national security, it was an attempt to protect elites who were being investigated and prosecuted, including close associates and members of his families, for a corruption case.

The end of the CICIG also marked the end of the guarantees and support provided to investigative journalism. Attacks on the independent press in Guatemala have been fuelled by impunity stemming from state co-optation. Various actors operate as aggressors of the press, such as political, economic, and military power groups, as well as organized crime, who regained their power since 2019.

Jimmy Morales' successor, President Alejandro Giammattei in power since January 2020, dismantled the few remaining independent spaces within the state, ensuring that such state remained under the control of the aforementioned actors. In this context, the influence of family corporate groups, descendants, and sympathizers of the military elite responsible for the establishment of authoritarianism during the internal armed conflict in the country stand out.

The misapplication of criminal law to silence journalists, which is not a new practice in Guatemala, is part of the process of consolidating this network of actors<sup>8</sup>. In this sense, defamation laws and even the law against violence against women have been instrumentalized to hinder coverage by journalists and media outlets.

Likewise, deficiencies in the judicial system, the high degree of impunity in crimes against journalists, the lack of guarantees and independence of the judiciary power generate distrust among journalists and human rights defenders. As a result, the number of criminalized and convicted journalists has grown. Some choose to leave the country in the absence of guarantees of a fair and impartial trial.

The structure of judicial harassment against critical voices, which has the Public Prosecutor (MP) and the FECCI as the most visible actors, is considered by several people interviewed by the mission a manifestation of the "revenge of the elites". This retaliation would be directed against those who collaborated with the CICIG such as former Prosecutor General Claudia Paz y Paz (2010-2014) and Thelma Aldana Hernández (2014-2018), former members of the FECCI and former Human Rights Procurator, Jordán Rodas, among others<sup>9</sup>.

Similarly, concerns about the situation of former members of the CICIG, the FECCI, the MP and others have been reported in the section entitled "Specific cases of criminalization" of the 2022 Re-

6. Malkin, Elizabeth. "A qué se debe la disputa con la Cicig en Guatemala". New York Times. 10 enero 2019. <https://www.nytimes.com/es/2019/01/10/espanol/america-latina/cicig-jimmy-morales-guatemala.html>

7. BBC news mundo. "El presidente Jimmy Morales saca de Guatemala a la CICIG, la comisión de la ONU que pide su desafuero por corrupción". 31 Agosto 2018. <https://www.bbc.com/mundo/noticias-america-latina-45352192>

8. Southwick, Natalie. "Déficit de confianza". Comité para la Protección de Periodistas. 26 marzo 2020. <https://cpj.org/es/2020/03/deficit-de-confianza-sobre-este-informe/>

9. Maldonado, Alex. "Al menos 86 jueces, fiscales, periodistas y ciudadanos han sido perseguidos en Guatemala". 6 octubre 2022. <https://www.agenciaocote.com/blog/2022/10/06/jueces-fiscales-periodistas-ciudadanos-perseguidos-guatemala/>



investigations against Alejandro Giammattei. These investigations were discarded after Sandoval's dismissal and the appointment of Rafael Curruchiche, in August 2021. Both the dismissal and the appointment were carried out by the current Prosecutor General.

The FECI was created with the arrival of CICIG, with a mandate to operate as the Special Office of the Prosecutor in charge of investigating complex cases of impunity and corruption. However, with Juan Francisco Sandoval's dismissal, the FECI became the main arm of the judiciary system to criminalize defenders, opposition leaders and journalists who are considered 'uncomfortable' to the current administration. This office now persecutes those who once echoed the allegations of corruption, including journalists and communicators.

In this hostile context for the exercise of the freedom of expression, the press at large experiences harassment and economic pressure from private and state actors. A clear example of this situation is the criminalization of the president of *el Periódico*, José Rubén Zamora Marroquín, founder of three newspapers printed in the country, who was sentenced to 6 years in prison for a crime of money laundering in a trial in which multiple guarantees were violated and in which his right to defence was obstructed. *el Periódico* had to close operations on May 12 due to the economic suffocation created around the outlet, along with the prosecution of Zamora and eight other journalists.

On February 28, Prosecutor Cinthia Monterroso added eight journalists and columnists to the list for the alleged crime of "obstruction of justice" during José Rubén Zamora's trial. Their crime,

port of the Inter-American Commission on Human Rights (IACHR)<sup>10</sup>. This is the second year that Guatemala has been included in Chapter IV. B of the IACHR. The common denominator is that all criminalized individuals conducted anti-corruption and transitional justice investigations. Their work helped dismantle criminal structures by bringing to justice politicians, judges, military personnel, former members of the security services and businessmen involved in serious crimes and acts of corruption.

The dismantling of criminal structures, corruption and impunity promoted by the CICIG tainted individuals with great political power. Until the arrival of Prosecutor General María Consuelo Porras Argueta in 2018, the CICIG worked hand in hand with the FECI — the latter headed by Prosecutor Juan Francisco Sandoval. Both institutions carried out

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10. Comisión Interamericana de Derechos Humanos. Informe anual 2022. 20 Abril 2023. <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2023/070.asp>



according to her, was to write about the case and to put “some public officials’ integrity at risk” with their investigations and opinions. The request to investigate the journalists was accepted by Judge Jimi Bremer, at Monterroso’s request.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has recorded other cases of criminalization that also demonstrate this situation; In its 2022 report, this office highlights at least the cases of six journalists and communicators, including Michelle Mendoza of CNN Guatemala<sup>11</sup>.

While these problems have been more evident in the country’s major cities, community and indigenous journalists in rural areas also experience adverse conditions. Historically, they have faced persecution from the state, economic elites, and organized crime; In certain urban areas, community leaders face discrimination and are not recognized as journalists due to their origin.

Examples include Maya Kaqchikel journalist Norma Lila Sut Sancir in 2014; Maya K’iche’ journalist Anastasia Mejía Tiriquiz, in 2020; and Mayan Q’eqchi’ journalist Carlos Choc, in 2017 and 2021. These cases reflect both a long-standing pattern and a long-term resilience of community journalism.

Although relatively few journalists have been imprisoned for long periods of time in Guatemala, lethal violence is a growing concern. According to data from the Committee to Protect Journalists (CPJ), at least 27 journalists have been killed in the country since 1992, and 6 of them have been confirmed to have been killed for exercising their profession<sup>12</sup>.

It should be noted that in 2012 the State committed to creating a program to protect journalists. More than 11 years

after that commitment, the governments following Pérez Molina’s term did not take this any further.

In the current context of closure of civic space, there is also a low level of public trust in the Supreme Electoral Tribunal, which is aggravated by limitations on freedom of the press that entail lack of access to information, diversity of analysis and opinions.

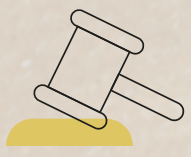
We, the organizations that participated and/or supported the mission have observed that the institutional dismantling translated into criminalization, harassment, discrimination and aggression against journalists, communicators, and critical media, weakens the free and informed vote, necessary in any democratic electoral process. The future of the critical press is put at risk by placing it as the main threat of the regime they attempt to consolidate.

11. Informe OACNUDH Guatemala 2022. <https://nube11.com/oacnudhdev/wp-content/uploads/2023/03/Informe-Anual-2021-WEB.pdf>

12. Country Page Guatemala. Comité para la protección de periodistas. <https://cpj.org/americas/guatemala/>



**PRENSA**



# Mission Findings

## **INCREASE IN VIOLENCE AND HARASSMENT AGAINST THE PRESS**

Since 2020, Guatemala has experienced a dramatic increase in violence against journalists. The Association of Journalists of Guatemala (APG) and its Press Freedom Commission have denounced repeated actions by the state power to censor, criminalize and attack

voices critical of the Giammattei government<sup>13</sup>. ]]. They describe it as a “policy of terror and persecution against journalists and the media.”

The figures reported by the APG demonstrate its assertion. During 2022 alone, they documented 117 violations of press freedom<sup>14</sup>, including judicial harassment, limitations on coverage, and cases of exile and enforced displacement. In total, in the three years of Giammattei’s administration, the APG’s Observatory of Journalists has recorded

13. Morales, Sergio. “El Estado “continúan debilitando la libertad de expresión”, dice la APG que contabiliza 407 ataques a la prensa”. Guatevision. 14 enero 2023. <https://www.guatevision.com/nacionales/apg-contabiliza-407-ataques-a-la-prensa-en-los-tres-anos-del-gobierno-de-giammattei>

14. Prensa Latina. Denuncian agresiones contra la prensa por el Estado de Guatemala. 14 enero 2023. <https://www.prensa-latina.cu/2023/01/14/denuncian-agresiones-contra-la-prensa-por-el-estado-de-guatemala>



404 attacks against the press.

Meanwhile, the United Nations High Commissioner, in his report on Guatemala regarding 2022, states that the United Nations Human Rights Council registered a total of 38 allegations of attacks against journalists and nine media outlets<sup>15</sup>.

Aggressions do not happen in a vacuum. Impunity and the criminalization of journalists from the highest spheres of public power have a neuralgic role in the perpetration of attacks and aggressions by all levels of government, criminal networks, and even the population, against journalists and communicators.

In 2021, after the expulsion of the CICIG, which resulted in an increase in the violation of human rights in general and freedom of expression in particular, the Inter-American Commission on Human Rights (IACHR) decided to include Guatemala in Chapter IV.B of its Annual Report on Human Rights, where it still remains. In the 2022 report, the IACHR highlighted that impunity in the country fostered a climate of censorship and prosecution of those who play a relevant role in public life and the democratic debate, in-

cluding journalists and the media<sup>16</sup>.

Regarding the freedom of expression, in 2022, the Office of the Special Rapporteur on Freedom of Expression (RELE) reported that it received numerous reports of attacks on freedom of expression in Guatemala, including attacks, intimidation, and judicial harassment with the purpose of silencing journalists. These actions occur in a context of violations of judicial independence, effective limitations on access to justice, and impunity.

Therefore, the RELE has repeatedly expressed its rejection of the opening of criminal investigations alleging the crime of “obstruction of justice”. This criminal offense has been repeatedly used to criminalize journalists who have covered issues that are crucial to Guatemala’s democratic life<sup>17</sup>.

Despite the recommendations and declarations of international organizations on freedom of expression and other rights, the Guatemalan government continues to maintain a position contrary to its commitments and responsibilities established in the Inter-American Democratic Charter and the Universal Human Rights System, which is reflected in the lack of interest in guaranteeing and protecting freedom of expression and of the press.

Moreover, the current government has sought to position the current Guatemalan commissioner to be re-elected to the IACHR for a new term. It should be noted that the Independent Panel of Experts to Evaluate Candidacies of the Inter-American Human Rights System of the IACHR stated that the re-election of the current commissioner would jeopard-

15. Informe OACNUDH. Guatemala 2022. <https://nube11.com/oacnudhdev/wp-content/uploads/2023/03/Informe-Anual-2021-WEB.pdf>

16. Informe Anual de La Comisión Interamericana de Derechos Humanos, 2022. [https://www.oas.org/es/cidh/docs/anual/2022/capitulos/10-IA2022\\_Cap\\_4B\\_GU\\_ES.pdf](https://www.oas.org/es/cidh/docs/anual/2022/capitulos/10-IA2022_Cap_4B_GU_ES.pdf)

17. RELE Comunicado de prensa R52/23. <https://www.oas.org/es/cidh/expresion/showarticle.asp?artID=1270&IID=2>

dize the progress of the IACHR, especially on issues of the rights of indigenous peoples, the right to non-discrimination based on race, and the right to non-discrimination based on race, sexual orientation, and equal marriage. The mission considers that the Guatemalan State and the OAS member states should consider the recommendations and findings of the panel of experts when choosing the members of the IACHR.

### VIOLENCE AGAINST INDIGENOUS AND COMMUNITY JOURNALISTS

The persecution of the press is not a new thing in the country. Indigenous and community journalists interviewed by the mission stressed that they have faced and resisted State violence in their territories in a continuous and sustained manner. This has been the case at least since the end of the internal armed conflict, especially in areas where local authorities have historically colluded with de facto powers, such as transnational corporations and organized crime groups, to silence the voices of those who oppose the dispossession of their lands and natural wealth.

On the other hand, the Committee on Economic, Social and Cultural Rights (CESCR), a United Nations body, in its observations on Guatemala's fourth periodic report, corroborates the mission's observations regarding its concern about the persecution of indigenous community radio stations, stating that this significantly limits their rights to freedom of expression, urging the state to cease the criminalization of community radio station operators<sup>18</sup>. Some of the people interviewed explained that the collusion of criminal networks with private actors

can be seen in actions such as when organized crime acts, deliberately, as a private security body for corporations and companies. This translates into intimidating actions against journalists, with recurrent practices such as taking their photographs to make them desist from continuing their coverage; these practices can even lead to murders, for example those that occurred in 2015 in Mazatenango, Suchitepéquez against Prensa Libre journalist Danilo López and Radio Nuevo Mundo correspondent Federico Salazar (the CICIG evidenced involvement of a criminal structure in this case), as well as the murder of journalist Álvaro Alfredo Aceituno López, director of Radio Ilusión in Coatepéque, Quetzaltenango, on June 25, 2016.

As for the territories, the mission observed that threats against journalists are particularly cruel in the departments furthest from the capital. The violence experienced in the territories is often linked to political interests and the establishment of powerful industries. Mining, palm oil, hydroelectric dams, and sugarcane plantations; additionally, construction companies with significant economic interests operate under the permission of local authorities and in collusion with drug trafficking.

An exemplary case is that of community journalist Carlos Ernesto Choc Chub, who has publicly denounced judicial harassment and criminalization against him, for investigating and documenting the contamination of Lake Izbabal by Solway Investment Group, a global ferronickel giant based in Switzerland. Carlos Choc has had two arrest warrants against him. He is currently subject to interim measures, requiring him to appear before the MP every 30 days, with a res-

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18. Comité de Derechos Económicos, Sociales y Culturales Observaciones finales. Cuarto informe periódico de Guatemala E/C.12/GTM/CO/4. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC12%2FMTM%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC12%2FMTM%2FCO%2F4&Lang=en)



Image credits: CPU



CARLOS  
CHOC

training order from approaching the mining plant and its workers. His next hearing is scheduled for August 22, 2023.

Two high-profile journalistic investigations show the level of surveillance, harassment, and persecution that Carlos Choc has suffered for his work. These are Green Blood (2019)<sup>19</sup> and Mining Secrets (2022)<sup>20</sup> coordinated by Forbidden Stories, a French initiative that publishes stories of journalists who suffer censorship or threats. Investigations reveal that Solway coordinates with the police, through bribes, eviction operations in indigenous communities that the mining company considers as opponents; Also, that it has implemented systematic surveillance strategies against Choc and others in the community.

2017 was the first time that Carlos Choc was criminalized by the company, in collusion with the authorities. The reason was its journalistic investigation and the coverage of protests by fishermen affected by the contamination of Lake Izabal resulting from mining activities involving nickel. In 2019, during his first hearing in this case, the judge linked him to the process for the crime of “illegal detentions”.

In 2021, Carlos Choc was covering the day of demonstrations by authorities of the Mayan Ancestral Council Q’eqchi’, demanding the State to include them in the popular consultation for the Fénix mining project. In this context, the strategy employed by the Giammattei government was to declare a state of siege in El Estor. Demonstrations were banned, a curfew was imposed, and the military presence increased for 30 days; during which period a consultation process was carried out without meeting international standards. Several raids and evictions were also carried out at that time; among the affected homes was Carlos Choc’s.

On October 26, 2021, the army, and the National Civil Police (PNC) raided the journalist’s home as well as those of journalists Juan Bautista Xol and Baudilio Choc. After that event, he and 11 fishermen were charged with “incitement to commit crimes”. The Office of the Public Prosecutor (MP) opened a file and Carlos Choc was not informed until later. In 2022, a judge issued an arrest warrant against him. Choc received assistance with the accompaniment of human rights organizations, legal advi-

19. The Guardian. Green Blood. 2019. <https://www.theguardian.com/environment/series/green-blood>

20. Forbidden Stories. Mining Secrets. 2022. <https://www.miningsecrets.prensacomunitaria.org/>

ce, the support of fellow journalists and community authorities, who advocate for his journalistic work.

In this context, OHCHR carried out an observation mission resulting in the documentation of disproportionate or arbitrary restrictions on the exercise of civil rights, as well as detentions and search warrants without judicial guarantees. It also documented that most of the arrest and search warrants were directed against journalists, social communicators, and human rights defenders<sup>21</sup>.

Similar to this case, in other regions of the country, communities have faced criminalization and evictions. Criminalization has been extended to journalists who report and denounce these events. Among the numerous cases of this type is that of Perenco, a Franco-British multinational that extracts 91% of the national oil in the Laguna del Tigre National Park in Petén. Although the zone was declared protected area, the company has continued its activity and has become the real local power, deciding on the lives of the communities<sup>22</sup>.

“In this scenario, communities seemed almost irrelevant,” concludes an investigation by Plaza Pública. Even with these conclusions, authorities continue to carry out violent evictions, burning houses, slaughtering animals, and razing subsistence crops, according to testimonies that have been made public. Amid this conflicting situation, community and indigenous journalists who cover issues that touch particular interests are also victims of violence.

“(…) There was a violent eviction... We documented, collected testimonies, in partnership with a recognized media. Unknown people, who were not from

the community, came to take pictures of us. ... while we were covering the case of criminalized community prisoners, political prisoners. During the hearing, many armed people arrived in vehicles, taking photos; they were security personnel of an extractive company,” said one of the people interviewed.

Similarly, the mission was informed that in addition to covering news linked to the resource extraction, the follow-up to cases of criminalized journalists can also be considered a high risk. The mission was informed of episodes in which, after such coverage, journalists are subject to surveillance at their headquarters, so they have to reinforce security measures. In more serious cases, direct attacks with firearms by individuals in military clothing have been reported.

Furthermore, the K’iche’ indigenous communicator Lucía Ixchiú denounced to the mission that she is in exile with her partner, photojournalist Carlos Ernesto Cano. The latter was once detained by police while covering a social protest. Lucía Ixchiú’s journalistic practice has led her to go through various detentions, beatings, and other aggressions since 2014. Some of these attacks made her decide to leave the country, such as the attempted homicide she suffered with her sister while they were covering the tree felling in Totonicapán; and for harassment after the coverage of the case of her colleague Anastasia Mejía.

In addition, Ixchiú has an open criminal case since 2018 for covering the Molina-Theissen trial. Although the journalist had legal support to resolve it in the past, the case status case prevented Ixchiú from knowing the charges against her. Currently, Spain has granted

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21. Informe OACNUDH, 2022. <https://nube11.com/oacnudhdev/wp-content/uploads/2023/03/Informe-Anual-2021-WEB.pdf>

22. Escalón, Sebastián. “Temporada de desalojos en la Laguna del Tigre”. Plaza Pública. 19 junio 2017. <https://www.plazapublica.com.gt/content/temporada-de-desalojos-en-la-laguna-del-tigre>



them refugee status under international protection standards in that country, stating that “Guatemala is an undemocratic state”.

Another journalist recounted a similar situation after receiving threats for publicizing a journalistic investigation into tree felling<sup>23</sup> by a municipal official. In the report, he denounced that there was a structure that cut down trees with the police’s acquiescence and the local government, a situation for which the Division of Nature Protection (DIPRONA) concentrates part of its operations in the place.

The mission concluded, through various interviews, that death threats are not only directed by incumbent politicians but also by candidates. This complicated the coverage of general elections held on June 25 in the departments, as they may have inhibited the right to inform and keep the population informed.<sup>RR2</sup>

The mission maintains a record of journalists in the northern region of the country who have faced death threats from candidates whenever they have felt subjected to scrutiny regarding their behaviour, proposals, or activities. However, it is important to note that such scrutiny is an inherent part of the public role they aspire to.

In other cases, candidates, mayors or public officials from different municipalities or departments choose to take advantage of the precariousness of the Guatemalan professional journalism and use multiple intimidating resources to ensure their co-optation in the face of the perception of abandonment of key institutions in the protection of the work of journalists.

In some instances, candidates, ma-

yors, or public officials from various municipalities or departments opt to exploit the vulnerable status of professional journalism in Guatemala. They employ multiple intimidating tactics to coerce and co-opt journalists, leveraging the perception that key institutions fail to adequately protect their work.

To these aggressions must be added the criminalization and silencing instruments against the indigenous radio journalist Anastasia Mejía Tiriquí, who faced criminal proceedings after being held in arbitrary preventive detention for more than a month in 2020 and the criminal prosecution against journalist Robinson Ortega, assaulted and detained for documenting the capture of women by the PNC during a violent eviction in Siquinalá, Escuintla, in 2022. Ortega, along with the women he was covering, was accused of “attack” and although he was later released and given lack of merit, his case

## ANASTASIA MEJIA



RR2. This sentence was changed into the past as elections already took place.

23. Escobar, Gilberto. La tala ilícita amenaza la supervivencia del bosque comunal de Tonicapán. No Ficción . 6 Septiembre 2022. <https://www.no-ficcion.com/projects/tala-ilicita-en-el-bosque-comunal-de-tonicapán>

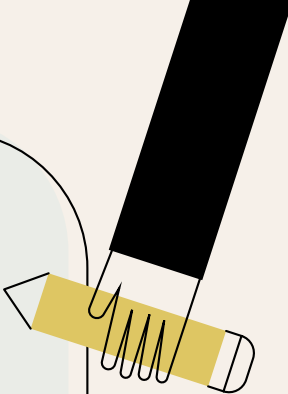
was reopened when the municipality became an adhesive plaintiff [third party prosecutor intervening in a prosecution on behalf of the victim]. At the time of writing this report, Ortega expects his hearing on July 13 of 2023.

The harassment and criminalization of journalists and communicators has become a new form of censorship. This began during Jimmy Morales' government, and was intensified during Alejandro Giammattei' administration, and could become more acute in these elections. The mission agrees with OHCHR in its 2022 report anticipating an increase in the rate of criminalization and violations of due process weakens the position of freedom of expression in Guatemala, which has been deteriorating in recent years<sup>24</sup>.

### DIFFERENTIATED VIOLENCE

Although in Guatemala there are widespread attacks on the independent press, violence is exercised differently against journalists because of their ethnic origin, because of gender (women), or because of their sexual orientation. In fact, one of the people interviewed said that "Guatemala is a macho and homophobic country. I have received a lot of homophobic comments, but I started to worry a little bit during and after the pandemic because those comments were no longer typical but indicating who my partner was and where I lived."

In the case of women journalists, the attacks take sexist and sexualized overtones. Sexual violence threats are recurrent,



"men are threatened with killing and we - women journalists - with doing more sexual things to us," an indigenous journalist told some members of the mission, who also highlighted the attacks on her family nucleus and her beloved ones.

Former CNN correspondent for Guatemala Michelle Mendoza is currently in exile. She has repeatedly denounced sexual harassment on social networks and allusions that disqualify her status as a woman, mother, and journalist. In her words "they delegitimize and dehumanize you."

This pattern of attacks on her privacy has also been reflected in threats to their relatives. Mendoza reported that her brother, who for years had worked in the Ministry of Development (Mides), was fired from his job in retaliation for the journalistic work she did. The journalist has denounced this as "civil death". The attacks and aggressions against him began because of the fact that she was investigating President Giammattei and Minister José Luis Benito's relation with construction companies.

Also, women community and indigenous journalists said that traditionally journalism in Guatemala has been an exercise of privileged sectors. It has usually been restricted to white or mestizo, Spanish-dominant people with access to formal education and a college degree. They also say that making a path as a woman in journalism entails a greater effort to gain credibility compared to their male colleagues.

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24. Informe OACNUDH Guatemala 2022. [https://issuu.com/oacnudhgt/docs/situacion\\_de\\_los\\_derechos\\_humanos\\_en\\_guatemala\\_-\\_2](https://issuu.com/oacnudhgt/docs/situacion_de_los_derechos_humanos_en_guatemala_-_2)



In this sense, information and communication technologies, particularly social networks, have served greatly to open and democratize these spaces, especially to historically excluded indigenous communities. However, this openness does not result in the acknowledgment of their duty to inform by public authorities and has even been regarded with suspicion among professionals in the field themselves.

A woman indigenous journalist interviewed by the mission and who requested anonymity for fear of reprisals, said that “there is a barbaric stigmatization against people who communicate from indigenous communities. On behalf of the corporate media, we are told that we are denigrating the profession. And when we go to an official source, they ask us which media we belong to and if we come from a community media, they close the doors arguing that “now anyone can take a camera and already feels like a journalist.”

Indigenous journalists also denounced to the mission recurrent and insidious accusations, even from the colleagues themselves, arguing that their coverage allegedly does not meet journalistic standards. They denounce that because they are indigenous, demands are imposed on them and questions are made that the urban press does not receive, frequently questioning their professional experience and academic degrees.

The situation is even more complex when axes of exclusion intersect, as in the case of people who, in addition to being indigenous, are women journalists. In these cases, racism is combined with sexism to limit their freedom of expression. Several of the indigenous women journalists interviewed said they were victims of rejection and attacks for speaking in their language and wearing traditional clothing, under a system they describe as “colonialist and patriarchal.”

“As a community and indigenous woman, they say I am a leftist and that is another way to discredit our work. Community and alternative media have had greater commitment to social struggles, related to the rights of indigenous peoples, defence of territory, violence, and disappearances... Two years ago, on the day of Indigenous Resistance, when protesters decapitated a statue, I covered the news. Many of the comments on social media said that I was a resentful ‘india’ and that I was not a real journalist,” said one of the indigenous women journalists interviewed by the mission.

Another of the women interviewed pointed out that she is a recurring victim of discrimination, racism, and sexism both in the digital and physical space: “They go to my profile and tell me that I am ‘india’, that I have to go make tortillas, they also say I should clean the house. I recently published in my language and was also attacked by people who believe that ‘professional’ journalism should be done in Spanish...”

Additionally, she experiences a differentiated treatment when it comes to news coverage: “It is not the same as when a white woman enters a press conference. They check our bags, it’s exhausting and violent. I do not speak from revictimization, but as a political act that has to be named, and if it is not named it is lost.”

In the interviews, the problem of discrimination was highlighted as an issue with deep roots. This often manifests in “subtle” ways, although it has serious implications as we are indigenous women within the journalism profession.

“We have felt that the treatment is differentiated even by colleagues ... We get upset at the paternalistic and condescending way we are treated even in a circle that is supposedly sensitized... During the 8M festival, indigenous and community journalists set up a radio station in the street... At the end of the

activity, colleagues from the urban press published comments insinuating that we looked ‘pretty’ in our traditional clothes... That’s racist because they don’t talk about our coverage, the quality of our work... It is difficult to explain this to colleagues who are white and who have privileges,” said another of the indigenous and community women journalists interviewed.

Even when women journalists denounce their cases, their complaints may be dismissed, or they may be discriminated against or revictimized because of their ethnicity or gender. Thus, the rights violations in the exercise of their work is aggravated when it comes to women, as in the case of Maya Kaqchikel journalist Norma Lila Sut Sancir, who has run the risk of being detained, harassed, and threatened against her family ties and beloved ones.

In September 2014, community journalist Norma Sancir was arbitrarily detained by the Chiquimula PNC for her coverage of demonstrations by the Ch’orti’ community on the Jupilingo bridge. Even though she produced identification as a journalist, the PNC did not believe her. She infers that it was her indigenous, gender, and identity as well as her work as a journalist that led to her being de-

tained for five days and charged with the crimes of “attack” and “public disorder.”

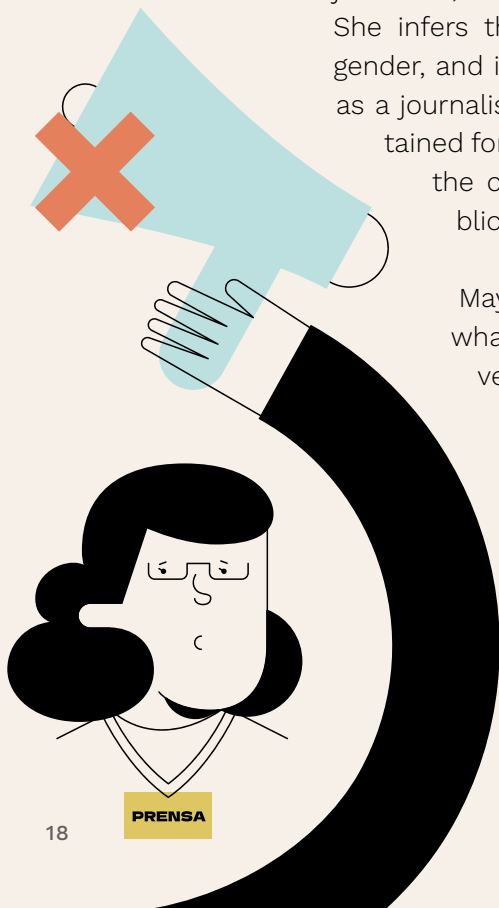
According to her, being a Mayan indigenous woman was what made the PNC not believe her that she was a journalist even though she carried her ID. On the fifth day, thanks to actions by civil society organizations and her colleagues, she was found to be “without merit” and released. The discriminatory treatment led her to file a complaint

for illegal detention against those who detained her before the Prosecutor for Crimes against Journalists.

However, even though in 2020 those responsible for her detention were linked to trial, to date the trial has not begun; It has been on hold since September 28, 2022, the day on which the hearing for the start of oral and public debate was supposed to take place. The mission itself witnessed that her trial was once again suspended on May 17.

In addition to the shortcomings of the Criminal Sentencing Court of Chiquimula, given the threats to her safety throughout this process, the journalist had to leave aside journalism in the communities. Irregular incidents began to happen, as she affirms “I can no longer return to the territories, because after imprisonment I tried to lead my normal life but then there were other incidents because I started working with an organization that defends rights.” She adds that in 2019, they tried to enter her house to steal: “in Camotán, Chiquimula common crime is not widespread (...) then they came to watch me,” says Sancir.

Finally, when asked if she would like to say something additional before the mission, Sancir was emphatic about the need for recognition of community journalism, but also draws attention to the precariousness of the journalism guild. From her own experience, she mentions “I have professional training, I asked for a job in the corporate media, but they did not give it to me because I am a woman; Entering a media was only by personal appearance and / or sexual gifts and in the end, I liked more the work in the ground (with organizations)”.



## JUSTICE INSTRUMENTALIZATION TO PERSECUTE THE PRESS

In Guatemala, violence against the press has been institutionalized. It stems from the state co-optation by political, economic, and military elites, in some cases linked to organized crime groups and drug trafficking. The capture of the State by these elites has dismantled democratic institutions and the rule of law, co-opting public institutions, especially the judiciary system; this, has created an institutional framework at the service of impunity and corruption that does not seem to have a chance of changing course in the next elections. As one interviewee comments, “We could change the president, but behind it, all there is a corrupt system that does not change despite the elections.”

María Consuelo Porras Argueta is Guatemala’s Prosecutor General and one of the most visible people in the judiciary system in recent years. During his tenure, the MP has initiated legal actions against several judges, lawyers and prosecutors who played an important role in the investigation of cases of high-level corruption and human rights violations in past years. To date, six jurists have been imprisoned, including former FECI and CICIG members, and nearly forty have gone into exile after denouncing reprisals for their work on corruption cases.

In March 2023, the UN High Commissioner for Human Rights expressed alarming concern about what he considers a “continued erosion of the rule of law in Guatemala” as well as the “intimi-

ation, harassment and criminalization” faced by justice officials linked to the fight against impunity in this country<sup>25</sup>. Moreover, Human Rights Watch said that “Consuelo Porras’ tenure as prosecutor general has been a disgrace to the rule of law in Guatemala”<sup>26</sup>.

President Alejandro Giammattei extended Porras’ term in May 2022 for four more years. Porras, on the other hand, was in charge of dismissing investigation cases against the president, carried out by the FECI’S Eighth Agency, in times of Juan Francisco Sandoval. In a statement, the organizations Right Livelihood, RIDH, CCPR, CIJ, WOLA denounced Consuelo Porras’ re-election as Guatemala’s prosecutor general as “a clear endorsement of impunity and corruption”<sup>27</sup>.

Porras appointed Rafael Curruchiche as head of the FECI, replacing Juan Francisco Sandoval, in July 2021. Curruchiche has sought four arrest warrants against his predecessor<sup>28</sup>. He also ordered the arrests of five other former prosecutors, a judge and two former CICIG investigators. He also imprisoned José Rubén Zamora, former president of *elPeriódico* and one of Guatemala’s most influential journalists.

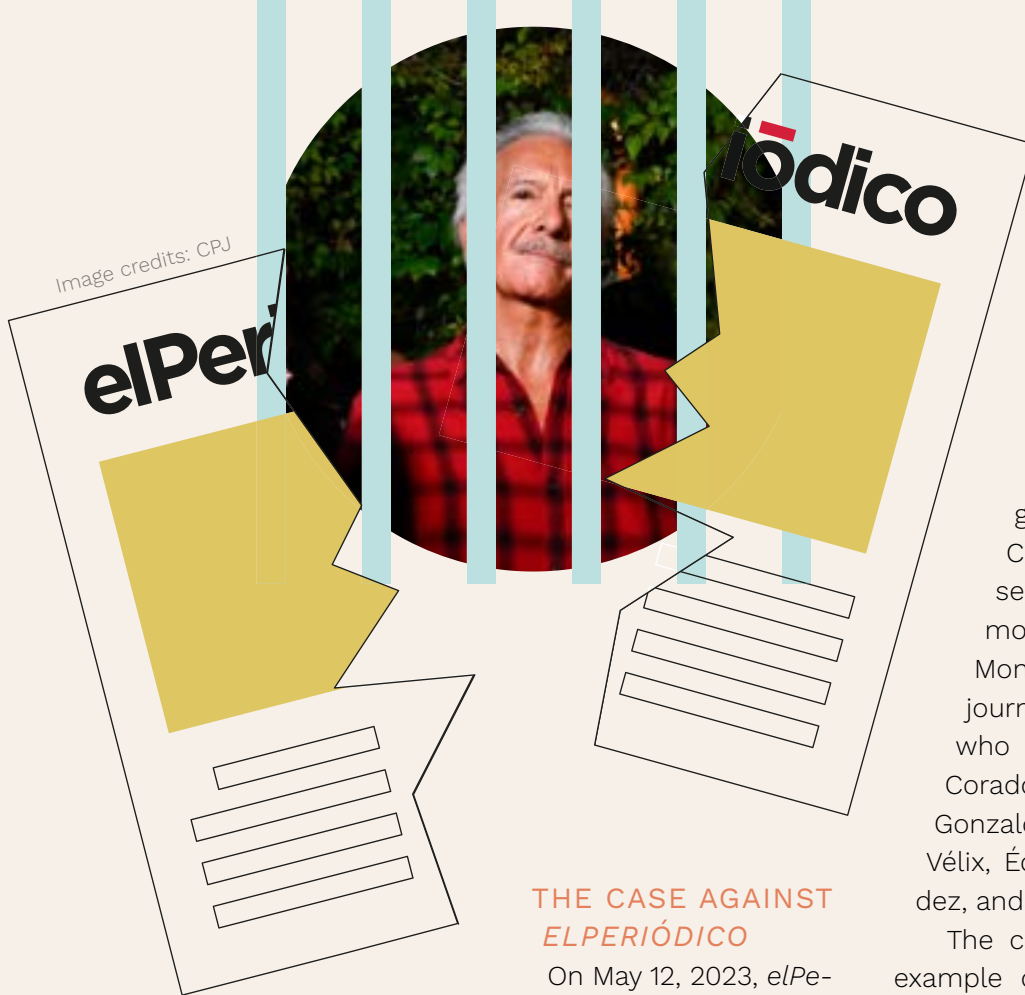
25. OACNUDH Noticias, “Preocupación por la continua erosión del Estado de derecho en Guatemala”, 2023, <https://news.un.org/es/story/2023/03/1519802>

26. BBC Noticias, “Quién es Consuelo Porras, la polémica fiscal general de Guatemala”, 2022, <https://www.bbc.com/mundo/noticias-america-latina-61471743>

27. Consulte comunicado en: “La reelección de María Consuelo Porras como fiscal general de Guatemala: un claro respaldo a la impunidad y la corrupción”, 2022, [https://icj2.wpenginepowered.com/wp-content/uploads/2022/05/FINAL\\_SPA\\_WITH-LOGOS.pdf](https://icj2.wpenginepowered.com/wp-content/uploads/2022/05/FINAL_SPA_WITH-LOGOS.pdf)

28. República.gt, “Estas son las cuatro órdenes de captura en contra de Juan Francisco Sandoval Alfaro”, 2022





### THE CASE AGAINST ELPERIÓDICO

On May 12, 2023, *elPeriódico*, founded in 1996 and one of the most important media outlets in the country, announced its closure due to the judicial and financial harassment to which it was subjected. The indefinite suspension of its publications emerged almost a year after the arrest of its president and founder, José Rubén Zamora by prosecutor Cinthia Monterroso. On May 30, the prosecution requested 20 years in prison for money laundering, plus 12 years for influence peddling, and another 8 years for blackmail. The sentence adds up to 40 years in prison, incommutable for this 66-year-old journalist<sup>29</sup>. On June 14, 2023, Zamora was sentenced to 6 years and a fine of 300,000 quetzals for money laundering; Accusations of influence peddling and blackmail were dismissed<sup>30</sup>.

In addition, the MP requested that eight *elPeriódico* journalists and columnists be investigated for publications that have been made in the José Rubén Zamora’s case<sup>31</sup>. The investigation was also requested by Cinthia Monterroso, who oversees the accusation against Zamora by the Prosecutor’s Office. Monterroso has indicated that the journalists and press columnists who will be investigated are Julia Corado, Ronny Ríos, Denis Aguilar, Gonzalo Marroquín Godoy, Christian Vélix, Édgar Gutiérrez, Alexander Valdez, and Gerson Ortiz.

The case against *elPeriódico* is an example of how the system chooses strategic targets to send an intimidating message to the press at large. This explains the way journalists under investigation have been criminally prosecuted, even when article 35 of the Constitution is contravened. This refers to the media, so a topic linked to the Law of Emission to Thought [a limitation to the freedom of expression] would have to be processed.

As one journalist pointed out, “we are being investigated for several issues: because we are called financiers of *elPeriódico* for advertising project campaigns, but what they want to show is that this was a criminal association, to carry out extortion.”

Through Zamora’s imprisonment and investigations against *elPeriódico* journalists and columnists, Giammat-

29. España, Diego, “Juicio Zamora: MP pide 40 años de cárcel contra el presidente de *elPeriódico*”, 30 de mayo 2023. <https://lahora.gt/nacionales/diego/2023/05/30/juicio-zamora-mp-pide-40-anos-de-carcel-contra-presidente-de-elperiodico/>

30. García, Jody, “Veredicto contra Zamora: una sentencia, una absolución y el enojo del MP”, 14 de Junio 2023. <https://www.plazapublica.com.gt/content/veredicto-contra-zamora-una-sentencia-una-absolucion-y-el-enojo-del-mp>

31. Relatoría Especial de la Libertad de Expresión de la Comisión Interamericana de Derechos Humanos (RELE/CIDH), “La RELE manifiesta preocupación por la apertura de una investigación penal contra periodistas en Guatemala por la cobertura de asuntos de interés público”, 29 de marzo 2023, <https://www.oas.org/es/cidh/expresion/showarticle.asp?IID=2&artID=1270>

tei's government sends a clear message to Guatemalan journalism. "This is an exemplary punishment," several of the journalists interviewed by the mission stated. "If José Rubén Zamora - who is a well-known journalist - was taken to jail, what can they do to an unknown journalist?" one of the journalists interviewed by the mission asked rhetorically.

During the visit to Zamora in the Mariscal Zavala prison, the mission noted the journalist's worrying detention conditions. In addition to being in permanent isolation, Zamora can only leave his cell for one hour a day. During that time, he can wander alone in a small area of about ten square meters. Visits are limited to twice a week. Since he does not trust the food provided by the prison, he only eats what his wife brings to these meetings. He has already lost 16 kilos since his arrest.

During the visit, the journalist cried several times. He recounted the different episodes of psychological torture he has suffered, including an invasion of bedbugs that he suffered in his cell and that left him several days in the infirmary, due to the number of bites. He did not sleep during the first 14 days of his detention, in 2022. When the mission was able to visit him, José Ruben Zamora expected to have the help of a public defender at the last hearings he would have in his case, at the end of May. Two days later, when he arrived in court, he discovered that the state had changed his barrister without telling him<sup>32</sup>. The defence changed once again.

## PERSECUTION AND LEGAL INSECURITY DRIVE JOURNALISTS INTO EXILE

Despite legal uncertainty, lack of due process, distrust of a co-opted justice system and the wave of repression and criminalization against independent press in Guatemala, dozens of Guatemalan journalists have been forced into exile. The figure is difficult to estimate exactly, as the exodus has been largely silent. The mission was able to contact and interview 15 of these journalists. In addition to Michelle Mendoza and Juan Luis Font, who have made their cases public, the rest of the journalists interviewed in exile preferred to remain anonymous, above all, for fear of reprisals against their relatives inside the country.

As for the causes of this exodus, the mission notes that the motivations have slight variations. For example, one of the journalists interviewed said that he decided to leave the country because of "spurious complaints", after a criminal court decreed arraignment by linking him to a case of alleged money laundering<sup>33</sup>. Meanwhile, the main motivation for Mendoza's departure was a security issue for her personal integrity and that of her relatives.

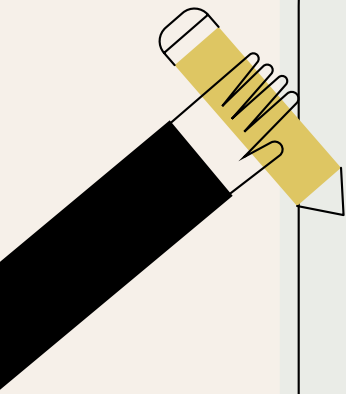
The common denominator of the increase in the number of exiled journalists, on the one hand, is due to the improper use of the penal system and, on the other, to the absence of guarantees in it. As one of the interviewees states: "Justice in Guatemala does not represent

32. Plaza Pública "Juicio a Zamora: ¿Qué pasa con los abogados del periodista y por qué se queda sin defensa?", 18 de Mayo de 2023.

<https://www.plazapublica.com.gt/content/juicio-zamora-que-pasa-con-los-abogados-del-periodista-y-por-que-se-queda-sin-defensa>

33. Soy 502 "El periodista Juan Luis Font abandona Guatemala", 04 de abril de 2022. <https://www.soy502.com/articulo/periodista-juan-luis-font-sale-pais-denuncias-espurias-100931>

any guarantee. I have no crime to be persecuted. In general terms, in Guatemala it no longer matters whether one is right, but what the political power wants. This situation is highly complicated.”



The absence of legal certainty is evident in various forms as well. The mission was able to confirm that one of the most frequently employed judicial tactics to intimidate the press is to conduct investigations without informing the journalist, or to initiate cases that ultimately remain “under reserve”.

Both actions imply that the accused person does not have access to the information of their process, and this complicates their defence, as warned in paragraph 57 of the OHCHR 2022 Report, when mentioning the constraint to access information through the discretionary use of the declaration that the case is “under reserve” against “human rights defenders, including justice officials and journalists”<sup>34</sup>. For example, the journalists investigated in the *el Periódico* case have not been given access to the investigation file and there has not been a presentation of evidence under the framework of the Law of Thought Broadcasting [Legal accountability for what is printed or mentioned in the media], that is, that the case be heard before a prin-

ting media court and not a criminal one.

As stated by one of the interviewees, who initially moved abroad for family matters, but when he was doing immigration procedures, he learned that there was a complaint against him for money laundering: “For me it was surprising. That complaint had been around for some time.” He hired a lawyer to ask the MP for information. He went to the courts of law on multiple occasions to find out a little more; But he was denied the information, saying it was “confidential.” He “innocently” believed he could trust the justice system, but once he went to Guatemala to visit his family he was “held by the police for half an hour and they asked me if I had a restraining order.” That is why he decided for the time being not to return to the country anymore. “I didn’t receive such a direct threat ... But there is an open process against me. There is an intention to intimidate.”

One more journalist said “I frequently went to the MP to check my case status; the assistant prosecutors were clear that there was no evidence against me; But they had orders from above not to close the case... And that’s the strategy: to keep you on your toes.”

These statements were made in a virtual interview with a journalist who is currently being criminalized for his work. He left Guatemala on a ‘precautionary basis’. Although he is sure he has been doing quality professional journalism and that he has never committed any crime, he fears imprisonment for his journalistic work. He does not trust the justice system impartiality since he has closely witnessed cases of colleagues and collaborators who are facing “constructed” judicial processes. “Somehow, when you witness people with whom you have

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34. Informe OACNUDH Guatemala 2022. <https://oacnudh.org.gt/wp-content/uploads/2023/03/Situacion-de-los-Derechos-Humanos-en-Guatemala-2022-Informe-del-Alto-Comisionado.pdf>



been talking and individuals in your inner circle being detained, it instils fear within you. That's when I made the decision to temporarily leave the country.”

Adrift, without effective support mechanisms for journalists' protection and without sufficient information about the migratory challenges and opportunities involved in forcibly moving to other countries, journalists face enforced displacement. This puts at risk their journalistic practice, their mental health, their life projects, and that of their families. Many of them do not foresee a prompt return to Guatemala, nor do they have the economic resources to face possible judicial processes in the country, in the event that they decide to return. In addition, many cases are “under reserve”, thus hindering the possibility of a legitimate self-defence.

## **DISTRUST AND INOPERABILITY OF PUBLIC INSTITUTIONS**

### **THE OFFICE OF THE PROSECUTOR FOR CRIMES AGAINST JOURNALISTS**

In 2019, the Guatemalan Prosecutor General opened the Office of the Prosecutor for Crimes against Journalists with the intention of learning about, investigating and prosecuting crimes committed against journalists; These include acts of intimidation, harassment, or retaliation for their activity<sup>35</sup>. However, journalists interviewed by the mission expressed the lack of credibility and lack of operability of this body. “The Office of the Prosecutor for Crimes against Journalists

can barely grant perimetral security and these measures are inadequate and insufficient. They take the allegations but do not follow up on the cases,” said a journalist who chose anonymity.

Regarding the above, the IACHR in its 2022 Report, Chapter IV.B, paragraph 185, stated that although it is the Ministry of the Interior's duty, through the PNC “to protect the physical integrity of any journalist who requires protection by the State,” on the one hand, the PNC has also operated directly to the detriment of press freedom; As recorded by Prensa Comunitaria, only from January to November 2022, 14 aggression cases by this authority against the press were recorded. The year 2022 was referred to as one of the years in which this actor attacked journalists the most<sup>36</sup>.

In addition, on the other hand, until 2022 only 22 protection measures had been granted. This figure is not in line with the number of assaults recorded by the APG in the same year; Just over 85% were perimetral security measures.

The abovementioned also reveals a severe problem in the criteria for dismissing cases, and clearly exposes the underreporting of such cases by the relevant authorities. In this sense, if the figures recorded by the OHCHR are reviewed, -38 attack allegations vs the 22 measures granted- the dismissal of cases of aggression reached almost half in 2022. The situation becomes even more critical if one compares the record of 107 attacks on press freedom made by the APG.

Moreover, at least a dozen of the people interviewed by the mission said they had filed complaints with this body, which were later dismissed or “archived”

35. Ministerio Público “Ministerio Público inauguró Fiscalía de Delitos contra Periodistas”, 06 Diciembre 2019. <https://www.mp.gob.gt/noticia/ministerio-publico-inauguro-fiscalia-de-delitos-contra-periodistas>

36. Ramón, Simón. Aumentan las agresiones policiales contra periodistas en Guatemala, 30 Noviembre 2022. <https://prensacomunitaria.org/2022/11/aumentan-las-agresiones-policiales-contra-periodistas-en-guatemala/>



by the authorities for “lack of evidence” or for the impossibility of pointing to the perpetrator, leaving the authorities’ responsibility on the victims’ shoulders. The OHCHR, in its 2022 report, mentions that the MP reported a total of “226 complaints regarding human rights, of which (...) 151 correspond to journalists”<sup>37</sup>, adding that until 2022 arrest warrants had only been issued in four dossiers.

“There is a prosecutor’s office here for crimes against journalists; But their answers are not immediate. They file or dismiss cases. There is no trust in the institution because they do not solve anything. It takes longer to file a complaint than it does for them to dismiss a case,” said one of the journalists interviewed by the mission. “My personal experience is that the justice system receives complaints but then does not investigate; they criminalize you, instead. The message is that independent or community journalists have no right to justice,” he concluded.

During the face-to-face meeting with Cristian Argueta of the Prosecutor’s Agency for Crimes Committed against Journalists in Quetzaltenango, there was confirmation of an alarming number ca-

ses that were dismissed by the judges. The mission requested detailed statistical information on the nature of these dismissals, including the number of complaints received, investigations initiated, cases closed and prosecuted during the period between 2021 and 2022. Unfortunately, as of the date of issuance of this report, no response has been received.

During the meeting, the Quetzaltenango Prosecutor Agent expressed his commitment to investigate crimes committed against journalists but noted the numerous budgetary and logistical constraints that hinder the full completion of his duty. Although there are crimes that can be investigated ex officio, the Quetzaltenango Prosecutor Agency Head stressed the importance of receiving complaints, since budgetary and logistical difficulties limit the ability to act automatically.

The Mission Representatives requested information on the ex-officio investigations initiated because of public complaints by journalists -for example, intimidation suffered in courts and tribunals during the coverage of proceedings. However, during the interview, the mis-

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37. Informe OACNUDH Guatemala 2022. [https://issuu.com/oacnudhgt/docs/situacion\\_de\\_los\\_derechos\\_humanos\\_en\\_guatemala\\_-\\_2](https://issuu.com/oacnudhgt/docs/situacion_de_los_derechos_humanos_en_guatemala_-_2)

sion did not receive clear information on this matter or on the number of cases opened ex officio by the Quetzaltenango Prosecutor Agency.

Instead of investigating alleged perpetrators of crimes against journalists, several of those interviewed by the mission stated that the Office of the Prosecutor has opened investigations against complainants. After filing a complaint with the Prosecutor's office, "in fact, some vehicles followed me when I left the MP."

While the State is ineffective in investigating attacks against the press and protecting journalists, it is swift to harass and criminalize them.

Perhaps the most tragic example of this trend, in 2022, is the journalist Orlando Villanueva's murder, which occurred in the department of Izabal in March of that year. Villanueva covered local politics and denounced alleged acts of corruption in Izabal. Previously, on October 29, 2021, Villanueva had stated during a live broadcast on Facebook that the Police and the Prosecutor's Office had tried to enter his house violently. This happened right after he reported a case of po-

lice violence during a miners' protest<sup>38</sup>.

Other journalists in Izabal have been harassed by security forces and criminally prosecuted for their coverage of demonstrations and environmental issues. In August 2017, authorities in Izabal issued an arrest warrant for seven people, including two indigenous journalists: Carlos Choc and Jerson Xitumul Morales for "incitement to crime, illegal meetings and demonstrations, and unlawful detention during protests," while covering protests by the Artisanal Fishermen's Union in the municipality of El Estor.

## THE OFFICE OF THE HUMAN RIGHTS PROCURATOR

"Where is the Human Rights Procurator (PDH) In the case of criminalized journalists, he only came out saying that they are 'looking into it,' but that is no guarantee of anything," agreed several of the journalists interviewed regarding current Procurator General José Alejandro Córdova Herrera, with whom some members of the mission had the opportunity to meet.

The Office of the Procurator for Human Rights Defenders and Journalists was created in 2019. Its explicit objective is "to develop guidelines for the defence, protection, investigation and promotion of the human rights of human rights defenders and journalists. Also, implement oversight processes for public administration and non-governmental institutions in accordance with applicable legislation and international standards on the subject."<sup>39</sup>

Despite the PDH's mandate and despite the responses received from this official, journalists and human rights defenders interviewed by the mission

38. Comité para la Protección de Periodistas "Matan a disparos al periodista guatemalteco Orlando Villanueva en Puerto Barrios", 28 de marzo de 2022. <https://cpj.org/es/2022/03/matan-a-disparos-al-periodista-guatemalteco-orlando-villanueva-en-puerto-barrios%E2%82%AC>

39. Procuraduría de Derechos Humanos "Acerca de la Defensoría". <https://www.pdh.org.gt/defensorias/defensoria-de-las-personas-defensoras-de-derechos-humanos-y-periodistas.html>



maintain the widespread impression that this institution has lost credibility since Alejandro Córdova took office, replacing Jordán Rodas. This perception is evident in statements such as the one given by one of the criminalized journalists: “I was very happy because Jordán Rodas spoke out about my case. What was said in the previous meetings is very true, the current PDH is co-opted and does not speak out.”

The mission also notes that even though criminalization rose by 54.34%<sup>40</sup>, the current PDH has not spoken out enough, while the violence rates rises as indicated above. Some members of the mission had the opportunity to meet with Córdova, who was questioned about his perception of the situation of violence facing the press in Guatemala; The procurator did not answer the question.

In his most recent statement, on June 2, Cordova expressed through a statement his “confidence in the judicial processes” and declared himself “respectful of judicial independence...”<sup>41</sup> referring to the judicial decision to investigate elPeriódico journalists. It is believed that his intervention comes after the filing of a complaint for the use of criminal law, alleging violation of Article 35 of the Guatemalan Constitution, by several long-standing press entities and the Rompe el Miedo Guatemala Network<sup>42</sup>.

## THE PRESIDENTIAL COMMISSION FOR PEACE AND HUMAN RIGHTS

The mission met with the Deputy Executive Director of the Presidential Commission for Peace and Human Rights (COPADEF) to learn about the work of this body in relation to freedom of expression. The Deputy Director acknowledged the risk situation of journalists in Guatemala; however, he emphasized that the government needs to work with official data and because of the lack of contact of journalists to government agencies, they do not have those figures and so the government does not have all the information that is required to address the problem.

On the creation of the program for the protection of journalists and communicators, which has merited repeated recommendations by international protection mechanisms, the Deputy Director reported that it has not been established because there is no agreement on which agency such a program would fall on, because no minister has decided to lead the public protection policy despite the fact that this was a commitment made by the State following the OHCHR Report 2021. The same international organization has reiterated in its 2022 Report its willingness to advise the State in the generation of such a policy.

To a direct question about the State’s failure to comply with the recommendations on the journalists’ protection, some of which only required political will –such as making a public statement in which the Government recognizes the relevance of journalistic work- he did not issue any response.

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40. Informe OACNUDH Guatemala 2022. [https://issuu.com/oacnudhgt/docs/situacion\\_de\\_los\\_derechos\\_humanos\\_en\\_guatemala\\_-\\_2](https://issuu.com/oacnudhgt/docs/situacion_de_los_derechos_humanos_en_guatemala_-_2)

41. <https://twitter.com/PDHgt/status/1664821697600532482/photo/1>

42. <https://twitter.com/RompeElMiedoGt/status/1664345175735279616>

## RESTRICTIONS ON ACCESS TO INFORMATION OF PUBLIC INTEREST

Free access to information in Guatemala is guaranteed by the Law on Access to Public Information published in June 2007. This aims, according to its article 1, “to guarantee to any interested person, without any discrimination, the right to request and have access to public information held by authorities and obliged subjects”. The PDH is mandated to ensure compliance.

However, the law is not applied and access to information at all state levels is increasingly complex, according to the journalists’ testimonies. Sometimes, their requests are not even heard. But the closing of doors has not always been the case, as one of the journalists indicates: “Before you could go to the Secretariat of Access to Information (Secai) and they intervened to give you the information. Now you need to lodge a complaint that will be forwarded to a departmental assistant for intervention, who will then determine whether to visit or contact the corresponding state office. This process takes more time.”

In the current situation, public officials see the independent press as an enemy, which often leads the authorities to restrict access to information of public interest. The press is seen as a threat to the alliance between state and private actors, created to control institutions, and maintain corruption and impunity in the country.

“Our public officials, they don’t see us just as journalists, they already see us as enemies, and that closes doors and spaces, and we cannot get the information we need to inform ... The moment authorities see a journalist, they feel uncomfortable.”

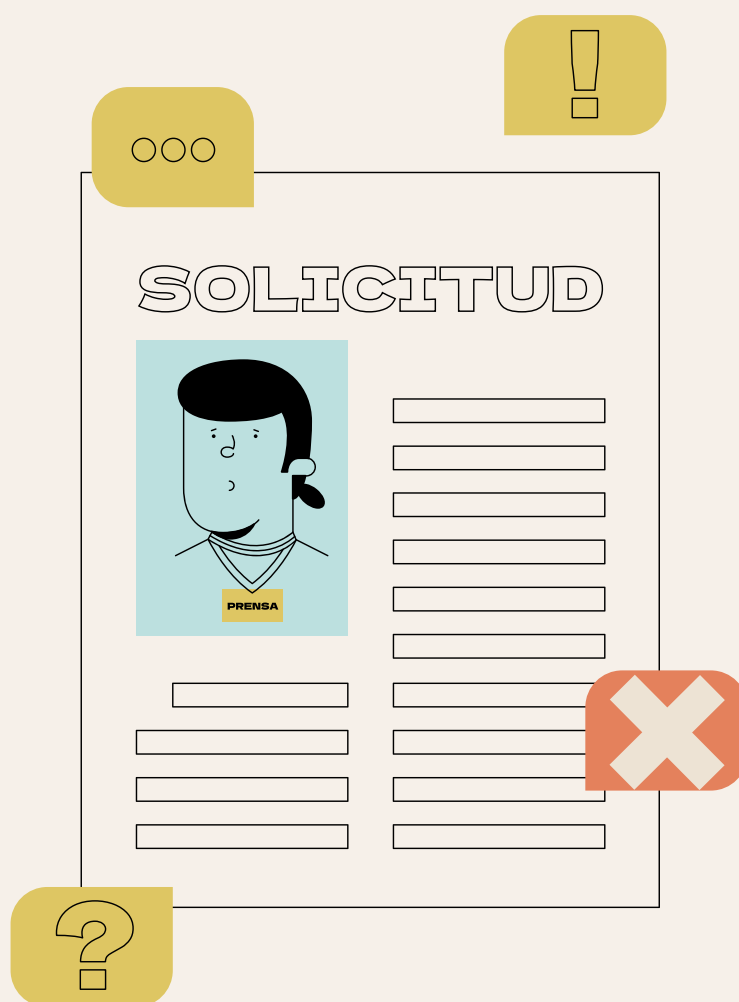
Nowadays it is practically impossible

for the Guatemalan independent press to have access to official sources, interview municipal authorities, mayors, candidates, or public officials.

“They know about the work we do in the alternative press, they have publicly shown aversion to our media, and when they are questioned, when they are pointed out, when we question infrastructure projects, or raise a point from the population, they flee. It has been very difficult to access these characters’ official version... They fear that we may reveal what they are trying to hide. And they don’t give us that access,” said one interviewee.

This situation has been evident, especially outside the capital. It is a trend throughout the country that was learned from the presidency, but that has been reproduced at all levels of public administration. Local authorities feel empowered by the Executive’s declarations and actions at the national level.

“This started from Jimmy Morales



and now it got worse with Giammattei. Before, official sources could be covered. Before you could ask for information but now you can't. Institutions are co-opted. It is very easy for them to hide information and it is very difficult to seek support, not even in the PDH. Before it was a place where one could approach, but now it is part of the co-optation," said another of the journalists interviewed.

### IMPEDIMENT TO ACCESS TO PRESS CONFERENCES AND PUBLIC HEARINGS

Several journalists interviewed by the mission reported intimidation even at press conferences and court hearings that, in theory, are public and open. "On one occasion, at a press conference, they saw us and began to take pictures of us and investigate who we were as a form of intimidation," said a journalist interviewed by the mission.

During Norma Sancir's detention, who is a correspondent for the local media outlet Prensa Comunitaria, journalists reported that they were not allowed to enter their hearings but "were taken out or the doors were shut." This has not been an exceptional case. Recently, something similar happened in the case against Virginia Laparra, whom Amnesty International has described as a "prisoner of conscience"<sup>43</sup>. During a hearing in her case held in the city of Quetzaltenango in April of this year, judicial authorities launched attacks against journalists present in the courtroom and against the work of the media whom they accused of "distorting the truth"<sup>44</sup>.

"The atmosphere feels very hea-

vy in the hearings. In the last hearings, there were police officers outside the courtroom and inside as well," a journalist who covers the case and who chose to remain anonymous told the mission. Days after the hearing, she arrived at her home around 9:00 p.m. and police were stationed outside. "I was nervous about what would happen at the next hearing for fear of criminalization, as has happened with other journalists... This is very complicated. It generates anxiety and doubts about continuing covering or not."

She added: "I'm anxious because I don't know why the police were outside my house. It's hard because I'm afraid to cover the hearing, but we're going to cover it anyway." Another journalist in exile had to leave the country because of a complaint "constructed" against her for reporting on the same case.

According to the APG's statement 1-01-2023, Virginia Laparra's case constitutes "one of the most emblematic acts" in the censorship pattern to prevent the work of the independent press. "The Prosecutor's office and the Judiciary body used various tricks to prevent the presence of reporters in the hearings, including allegations about the reduced space in the courtroom or limitations due to the pandemic. These actions were repeated in a second case against Laparra, in which the MP requested that the process be declared confidential, with the complaint that the press "distorted" the information and arguing "security concerns for prosecutors."

The same trend can be seen in hearings of other emblematic cases related to the persecution of former members of the CICIG, the MP and the FECCI, as

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43. Amnistía Internacional "Guatemala: Presa de conciencia Virginia Laparra cumple un año detenida arbitrariamente en la cárcel", 23 de febrero de 2023. <https://www.amnesty.org/es/latest/news/2023/02/guatemala-presa-de-conciencia-virginia-laparra-cumple-un-ano-detenido-arbitrariamente-en-la-carcel/>

44. Prensa Comunitaria "Las publicaciones de la prensa incomodan a la jueza y al MP en el caso contra Virginia Laparra", 13 de abril de 2023. <https://prensacomunitaria.org/2023/04/las-publicaciones-de-la-prensa-incomodan-a-la-jueza-y-al-mp-en-el-caso-contra-virginia-laparra/>



well as journalists. “It caught mission’s attention to hear journalists declaring that there are instances where investigations and coverage of hearings are subsequently presented as evidence in information leakage accusations.”

As journalists, they are summoned as witnesses in these hearings; if they do not attend their calls, they are threatened with committing a crime by the MP in their departments. It is concerning that journalists are being compelled to disclose their sources and act as witnesses in judicial proceedings for cases they cover, as it establishes an unfavourable regional precedent.

## DIGITAL HARASSMENT AND COORDINATED FORMS OF HARASSMENT

The first time an international organization investigated in detail the issue of coordinated or through netcenters [troll farm or troll factory] digital harassment as a phenomenon in Guatemala<sup>45</sup> was in 2019, when the CICIG published the theoretical report “Bots, netcenters and the Fight against Impunity.” The “spill-over effect” caused through the emergence of ‘mother accounts’ and the viralisation of messages through fake accounts and real people through bots, was soon instrumentalized by criminal networks to trend disqualifications or stigmatizing accusations to directly affect critics or opponents.

The main modus operandi of these “netcenters” is the viralisation of hate speech and false information, promoting -in the digital space- the violation

of people’s integrity -journalists in this case- in the real space.

Regarding this issue, the mission established that although the emergence of networks has a strong potential to democratize societies, it can also be a key instrument in intimidating, silencing, and discrediting the work of journalists in governments where impunity and corruption have been on the rise, as is the case in Guatemala.

The netcenters emergence seeking to inhibit the freedom of expression aim to “end the message by cancelling the messenger”. Cases such as that of journalists Michelle Mendoza, Marvin del Cid, Sonny Figuera and José Rubén Zamora, to mention just a few, show that coordinated digital attacks seek to end their journalistic reputation achieved through their work for their stance on issues of public interest. As one journalist interviewed put it, “The stigmatization against journalists has to do with psychological warfare, especially in social networks, of ridiculing us, and affecting our reputation.”

In addition, the OHCHR Report 2021 documented attacks on social networks against social movements, journalists and peasant organizations that denounced corruption, who were constantly pointed out as “criminals” or “terrorists”,

45. Conjunto de cuentas conectadas directa o indirectamente de forma física o virtual que puede incluir en sus usuarios distintos tipos de cuentas perfiles falsos, usuarios con nombres y fotografías (ID) robadas de personas, entre otras en: CICIG “Bots, Netcenters y Combate contra la Impunidad”, 2019, [https://www.cicig.org/wp-content/uploads/2018/05/Informe\\_bots\\_y\\_netcenters\\_2019.pdf](https://www.cicig.org/wp-content/uploads/2018/05/Informe_bots_y_netcenters_2019.pdf)

in addition to being subject to criminalization<sup>46</sup>.

Last year, Agencia Ocote and the Latin American Centre for Journalistic Investigation (CLIP) published an updated analysis of Netcenters operations regarding the new trends detected by some experts working for international organizations who, assessing the sophistication and development of this phenomenon point out:

“The vocabulary they use is no longer an open attack. They know how to use words that do not violate Twitter regulations, even if the message they spread is hateful, a lie or reveals the victim’s sensitive information. With that, they bypass the social network controls because the system fails to detect the intention, and only checks keywords”<sup>47</sup>.

Another peculiarity in recent times, confirmed by several of the journalists interviewed is that after the departure of the CICIG, the information viralised by these netcenters began to leak information that only the MP could have. In critical contexts of emblematic judicialization cases, there is a notorious leak of information in networks that, in theory, is confidential. This may happen hours before or a few days apart before the judicial proceedings are carried out. The aim of these publications is allegedly to instil terror.

Some journalists interviewed, coinciding with the aforementioned article, attribute the information leakage to actors who have been escalating in the public scene or who are acting as plaintiffs or behind the criminalization of judges, former prosecutors, magistrates, and journalists. An example is the case of the

so-called Foundation Against Terrorism (FCT), which manages a high level of interaction with fake accounts that leak this information, even though this leak can be considered a form of “obstruction of justice”, as mentioned by Agencia Ocote and the CLIP.

The FCT appeared with the purpose of defending military personnel accused of human rights violations during Guatemala’s nearly 40-year civil war. It was created in July 2013 after High-Risk Court A convicted General José Efraín Ríos Montt, de facto head of state in 1982-1983, for the Maya Ixil people genocide. The FCT today is the spearhead of the silencing mechanisms and perpetuating impunity. It is listed as a co-plaintiff in at least two dozen cases against officials who investigated and ruled on corruption cases. It is also a plaintiff in José Rubén Zamora’s case. According to an article by Agencia Ocote, “the exact number of complaints it has articulated is difficult to specify in public records and the Foundation itself says it does not have the numbers at hand”<sup>48</sup>.

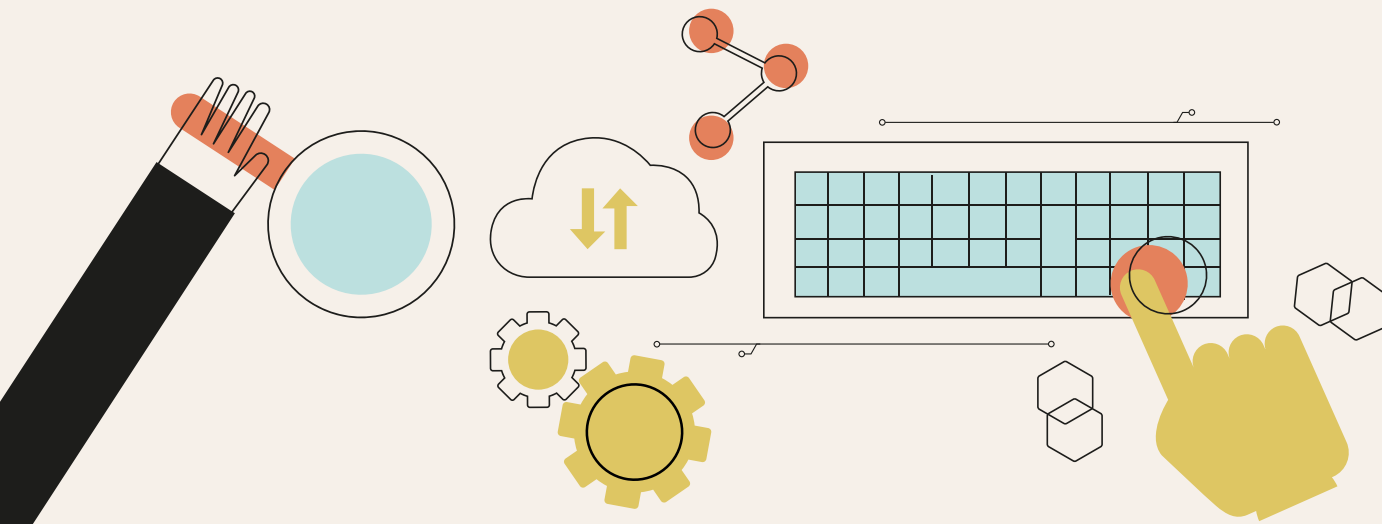
Led by Ricardo Méndez Ruiz, son of the interior minister during the Ríos Montt administration, and a self-proclaimed far-right, the FCT appears publicly as one of the main FECCI chief Curruchiche and Prosecutor General Porras allies in the persecution of former prosecutors, judges, and journalists. According to the complaints by the journalists interviewed, the FCT also acts as “community manager” and “netcenter” of the MP. It promotes coordinated online attacks against journalists and human rights defenders. Many times, it acts as a spokesperson for this institution, announcing

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46. Informe OACNUDH 2021. [https://issuu.com/oacnudhgt/docs/informe\\_anual\\_2021\\_-\\_web](https://issuu.com/oacnudhgt/docs/informe_anual_2021_-_web)

47. Agencia Ocote “Cómo Mutaron Los *Netcenters* Anti Justicia Y Derechos Humanos en Guatemala”, 30 de noviembre de 2022. <https://www.agenciaocote.com/blog/2022/11/30/mutaron-netcenters-anti-justicia-y-derechos-humanos-en-guatemala/>

48. Agencia Ocote. “El Francotirador de los Referentes de la Lucha Anti Corrupción en Guatemala”, 06 de diciembre de 2022. <https://www.agenciaocote.com/blog/2022/12/06/el-francotirador/>



captures and raids activity that the MP will carry out even before they are carried out.

Online attacks ranging from threats, harassment, criminalization, harassment, and smear campaigns appear to seek to legitimize and pave the way for subsequent prosecution of journalists and human rights defenders.

Several of the journalists interviewed by the mission revealed how Méndez Ruiz took photos of journalists and published them on social networks with stigmatizing comments that were then reproduced massively by “netcenters.” Digital violence has escalated from mockery to death threats. Some accounts post images of the “White Panel,” a vehicle [a van] that was allegedly used to kidnap, torture and murder people considered dissidents during the 1980s.

Collusion between public officials, the FCT and netcenters has been publicly denounced. In 2021, former CNN correspondent Michelle Mendoza denounced harassment by Supreme Court Justice Vitalina Orellana. The journalist said that the photographs that the justice official had allegedly taken were immediately published by a netcenter Twitter account<sup>49</sup>. Then, in 2022 on a trip from the U.S. to Guatemala, netcenters published their flight itinerary. On the other hand,

one of the journalists interviewed by the mission stated that he recently travelled to an event in El Salvador and a tweet appeared with the image of his migratory exit form (the Migration screenshot), which demonstrates the capacity and networks they have, in many areas of public administration.

49. Prensa Libre “Corresponsal de CNN denuncia hostigamiento de parte de magistrada de la Corte Suprema de Justicia y ella lo niega”, 18 de mayo de 2021. <https://www.prensalibre.com/guatemala/justicia/corresponsal-de-cnn-denuncia-hostigamiento-de-parte-de-magistrada-de-la-corte-suprema-de-justicia-y-ella-lo-niega-breaking/>

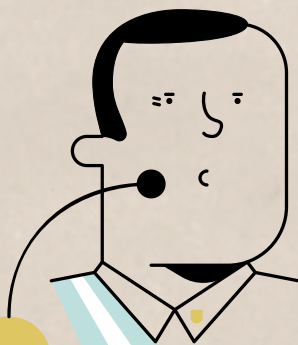


# Conclusions and recommendations

The mission held spaces for dialogue with journalists, communicators and human rights defenders, representatives of civil society organizations and State authorities in different areas of the national territory and with members of the international organizations present in Guatemala. Increasingly, Guatemalan journalists stop signing their writings for fear of reprisals. Many

have stopped covering 'sensitive' topics or have had to lower their profile. A few days before the electoral process in the country, the fear of going out to cover the elections was palpable and the general perception is that there will be no improvement in the outlook for press freedom if the underlying problems are not addressed.

Almost all the journalists and communicators interviewed believe that the current strategy of intimidation of the press and freedom of expression has resulted in a systemic problem in Gua-



"I am very concerned because I think that with the next government, from what you see now, the situation of freedom of expression is going to be more complicated ... They're going to limit our work a lot."



PRENSA



temala. The consolidated collaboration between state representatives, the private business sector and organized crime incites attacks, threats, and criminalization of journalists, transcending the individual sphere and serving an exemplifying function to intimidate and threaten the journalistic guild.

Fear is the result of the Executive's arbitrariness, the lack of guarantees in the judiciary system and the lack of defence due to the ineffectiveness of institutions and mechanisms for the defence and protection of fundamental freedoms.

None of the journalists and civil society interviewed by the mission trust that public institutions can protect them. They also emphasize the need for a Human Rights Procurator who really watches over their rights. Self-censorship is also the result of activities by netcenters, and other entities dedicated to digital harassment and intimidation. 'Machismo', racism, homophobia, and classism, among other axes of exclusion, are aggravating factors of the violence suffered by journalists because of their work.

Fear has also extended to information sources and funding, many of whom no longer want to give statements or contributions or do so anonymously for fear of being linked to legal proceedings against journalists in what appears to be a premeditated effort to curtail press freedom, undermine any form of sustainability for the media and eventually suffocate them.

Due to this situation of instability, insecurity and defencelessness, dozens of journalists have left the country after being threatened or harassed judicially. "They are trying to intimidate us to take us out of the country," one of them said. But leaving the country is no guarantee of freedom of expression either. The conditions of journalism in exile are very harsh, especially due to legal-migratory instability, economic precariousness, and the lack of support networks.

"I try to do other activities part-time, any kind of work I can get, if someone asks

me to walk their dogs I do it, because I earn more doing that. I don't see it as something bad, as long as it allows me to maintain what is important to me, my journalistic project," said one of the people interviewed.

One more journalist interviewed in exile continues to do some journalistic work for Guatemalan media. However, to survive, he cleans offices at dawn. Some others are unemployed and living in shelters or temporary shelters. The candidates in the polls have not shown signs of a change in attitude towards the press. Depending on the results, some of the journalists interviewed by the mission expressed their intention to leave journalism. Others have already done so.

"I stopped working in journalism since I came [into exile]. It's been emotionally very difficult for me. I distanced myself from journalism in Guatemala because I no longer had the strength. Day-to-day life was like climbing the Himalayas... I am very afraid for my family in Guatemala. I feel like whatever I'm going to write or say is going to act against them."

The institutional response to this scenario has been counterproductive. Although the country has a specialized prosecutor's office for crimes against journalists, most cases of intimidation and aggression against the press are not investigated, go unpunished or are dismissed. The prosecutor of Quetzaltenango mentioned that General Instruction 5-2018 is implemented, but there are no specific guidelines for journalists.

In 2012, at the initiative of journalists' organizations and international accompaniment, a proposal for a national system for the protection of journalists was developed, which, however, has remained at an impasse due to the intransigence of the governments of the day. What exists now is the draft of a government agreement that does not consider the journalists' current needs and has not yet been discussed with members of the press community.

"From the APG we decided not to insist [on the creation of the national protection





system] ... So far, we believe that it is impossible to dialogue with a government responsible for the repression and persecution of journalists,” said one of the journalists interviewed.

Despite the onslaught by the state, the Guatemalan independent press and civil society continue to resist. The mission could verify their efforts to get organized both inside and outside the country. Most of them continue to bet on freedom of expression and journalism: from the creation of safe spaces and the construction of networks and solidarity alliances, mutual aid, and self-care, such as the early warning system of Rompe el Miedo Network; the “Las Aliadas” project, which focuses on promoting training spaces and seeking resources to provide legal and psychosocial support for women journalists; and the “Nos Viene del Norte” program, to strengthen independent journalism in exile.

Spontaneously, initiatives are emerging at the community level, in Quetzaltenango, Chiquimula, Petén and Izabal, to create collective security strategies in news coverage. These actions are yielding results, driven by the current situation. Even the historical gap between community journalism and urban or corporate press is closing.

“I have felt that this gap between traditional and community journalism has been closing, the media and journalists who are doing community journalism have been gaining recognition. Years ago, there was a lot of discrimination. Now the widespread repression is leading us to unite,” said one of the people interviewed.

Despite threats and repression, the commitment of Guatemalan men and women journalists seems immovable and resilient.

“I feel that it is not that the news is worth a life; But from my point of view, if I don’t report it, who’s going to do it? I have an emotional conflict sometimes: If I stop writing, who else is going to do it?” another journalist added.

Although there is a growing awareness among Guatemalan journalists about the risks of practicing their profession, most of those interviewed by the mission still do not take protective measures and there is a lack of knowledge about security protocols and procedures. Fortunately, attitudes and actions that had previously been normalized, are being increasingly visible and denounced, and journalists and communicators are learning on issues of self-care, security techniques and physical, digital, and psycho-emotional protection. But it is necessary to go further.

On the eve of the elections, the organizations that make up the mission reiterated our concern for journalists and communicators’ right to inform. We call on the State of Guatemala, the international community – States, the United Nations, and the Inter-American Commission on Human Rights – and civil society organizations to take urgent measures to guarantee the citizen’s right to be informed, to make decisions freely and consciously. Without a free and independent press there can be no free and fair elections, and without free and fair elections there can be no true democracy in Guatemala.



## RECOMMENDATIONS TO THE GUATEMALAN STATE

For all the above, we call on the authorities, current and future, to:

Comply with international obligations in relation to the freedom of expression under the different human rights treaties ratified by the Guatemalan State, as well as in the Inter-American Human Rights System jurisprudence, in recommendations issued to Guatemala by Treaty Bodies and in the Universal Periodic Review.

Uphold the rule of law and guarantee full respect for the independence of powers, in particular the independence of the judiciary, and put an end to its instrumentalization for the press criminalization and act to guarantee due process in all cases involving journalists

Protect freedom of the press as a condition to guarantee democracy and the electoral process legitimacy, establishing safe and favourable conditions for the exercise of journalistic work throughout the country.

Forcefully and publicly reject any threat to the journalists' safety and protection in the country.

Carry out diligent, impartial, objective, professional and exhaustive investigations by the Prosecutor's Office in cases of journalists and communicators attacked.

Publicly and clearly support freedom of the press and expression, publicly recognizing its importance in the oversight of public work.

Build in an inclusive and participatory manner a public policy for the prevention of crimes against journalists and communicators and for the protection of their work, which must mainstream an intersectional perspective.

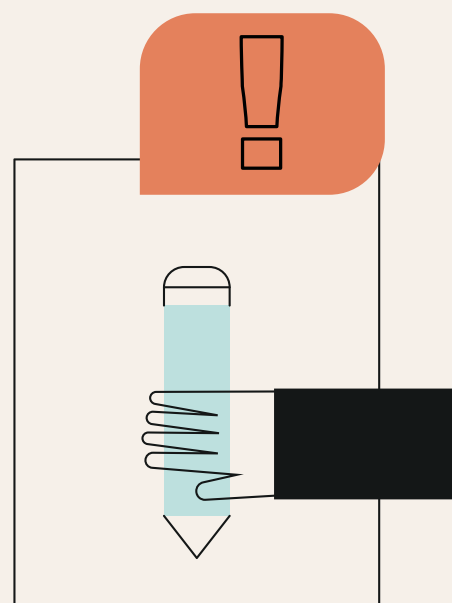




## RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY

In the past, the international community has played a vital role in accompanying an entire process of seeking justice, both in human rights violations and in cases of corruption. We call on States, the United Nations, and the Inter-American Commission on Human Rights to:

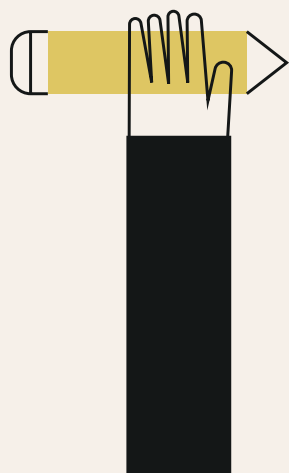
- Resume the active and proactive role they have played in Guatemala's history in the past.
- Promote an international and independent observation mission supported by the United Nations and focused on what has happened in the country since the CICIG departure.
- Do not renounce and reaffirm its duty to promote and defend human rights and continue to denounce the Guatemalan State arbitrariness and abuses against the independent press.
- Accompany and support the Guatemalan press and civil society by providing technical and financial resources to ensure the sustainability of their work.
- Follow up on compliance with commitments on freedom of expression and the press undertaken by the State of Guatemala in the different cycles of the Universal Periodic Review.
- In the case of the Inter-American Commission on Human Rights, support compliance with the recommendations on freedom of expression included in the 2022 report, Chapter IV.B and diligently analyse requests for precautionary measures in the cases under evaluation, related to the protection of freedom of expression.



## RECOMMENDATIONS TO THE GUATEMALAN PRESS AND CIVIL SOCIETY

Under the minimum conditions and with the support of the international community, the power of journalism can change current conditions, contributing to the construction of a more just, plural, and democratic society. Thus, we call on the Guatemalan press and civil society to:

- Take collective action to express support, recognition, and defence of freedom of the press and of expression.
- Continue to articulate spaces led by journalists and human rights defenders to promote and defend press freedom and the journalists' safety and protection, with or without the support of the authorities.
- Guarantee job stability and economic support for journalists and communicators.
- Contribute effectively to the valuation and recognition of journalistic work in all its dimensions.







# Glossary of acronyms

## SPANISH

## ACRONYM

## ENGLISH

Asociación de Periodistas de Guatemala

APG

Association of Journalist of Guatemala

Pacto Internacional de Derechos Civiles y Políticos

CCPR

International Covenant on Civil and Political Rights

Comité de Derechos Económicos, Sociales y Culturales

CESCR

Committee on Economic, Social and Cultural Rights

Comisión Internacional contra la Impunidad en Guatemala

CICIG

International Commission Against Impunity in Guatemala

Corte Internacional de Justicia

CIJ / ICJ

International Court of Justice

Centro Latinoamericano para la Investigación Periodística

CLIP

Latin American Centre for Journalistic Investigation

Comisión Presidencial para la Paz y los Derechos Humanos

COPADEH

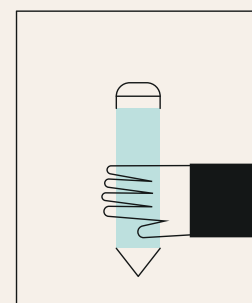
Presidential Commission for Peace and Human Rights

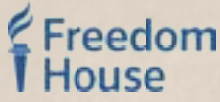






SPANISH	ACRONYM	ENGLISH
Comité para la Protección de Periodistas	CPJ	Committee to Protect Journalists
Fundación Contra el Terrorismo	FCT	Foundation Against Terrorism
Fiscalía Especial Contra la Impunidad	FECI	Special Prosecutor's Office Against Impunity
Fundación para la Libertad de Prensa	FLIP	Foundation for Press Freedom
Prensa Unida Ilimitada	FPU	Free Press United
Comisión Interamericana de Derechos Humanos	IACHR / CIDH	Inter-American Commission on Human Right
Ministerio Público	MP	Public Prosecutor
Organización de Estados Americanos	OEA / OAS	Organization of American States
Oficina del Alto Comisionado para los Derechos Humanos	OHCHR / OACDH	Office of the United Nations High Commissioner for Human Rights
Procurador para los Derechos Humanos	PDH	Procurator on Human Rights
Policía Nacional Cívica	PNC	National Civic Police
Relator Especial para la Libertad de Expresión	RELE	Special Rapporteur on Freedom of Expression
Red Internacional de Derechos Humanos	RIDH	International Human Rights Network
Reporteros Sin Fronteras	RSF	Reporters Without Borders
Oficina de Washington para Latinoamérica	WOLA	Washington Office on Latin America





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# Report on findings of the international mission on freedom of press and of expression in Guatemala

2023

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