

STATEMENT

CONVICTION OF JOSÉ RUBÉN ZAMORA

A STRONG BLOW TO INDEPENDENT JOURNALISM IN GUATEMALA

Guatemala City, San José, Mexico City, The Hague and Washington DC, June 16, 2023.

International organizations consider the conviction of Guatemalan journalist José Rubén Zamora, founder and president of elPeriódico, one of the most independent and critical media outlets in the country, a serious blow to democracy and freedom of expression. On June 14, José Rubén Zamora was sentenced to 6 years in prison without parole, as well as the payment of Q300,000 quetzales for the crime of money laundering.

The criminal proceedings against him and the former prosecutor of FECl, Samari Gómez, were marked by irregularities and their rights to due process and to defense were violated. During the process, Zamora was forced to repeatedly change legal representation due to pressure from the Public Prosecutor's Office and the Foundation Against Terrorism, which acted as a complementary prosecutor in the process. In total, Zamora had nine different lawyers during the process; four of them were prosecuted and imprisoned and two had to leave the country. Finally, Zamora was represented by a public defender, who did not have a reasonable amount of time to get to know the file and prepare a defense strategy.

As a result of the persecution against Zamora, the newspaper elPeriódico was forced to shut down due to a lack of resources as well as the persecution by the Public Prosecutor's Office against journalists, columnists and the newspaper's administrative staff. The Public Prosecutor's Office has accused nine journalists and columnists of elPeriódico of allegedly "obstructing justice" for publishing articles highlighting anomalies in the Zamora trial and for questioning the actions of the Public Prosecutor's Office and the judge in charge of the case.

We welcome the news that former prosecutor Samari Gómez, accused in the same case, has been declared innocent and regained her freedom. This shows that the Public Prosecutor's Office lacks evidence and reliable proof to prosecute former FECl prosecutors, and that its only intention is to criminalize those who led the fight against corruption and impunity during the period that the International

Commission against Impunity and Corruption (CICIG) operated in Guatemala.

We would like to reiterate that, since August 2022, the Inter-American Commission on Human Rights (IACHR) and the Special Rapporteur for Freedom of Expression have asked Guatemala for a working visit to verify the conditions in which Zamora is being held, but the State has refused. International bodies must be able to verify the country's human rights situation on the ground.

In Chapter 4b of the IACHR's annual report on Guatemala, the IACHR determined that "The persistent violence against journalists in the exercise of their profession continues to be an obstacle to making effective the guarantees of the right to freedom of expression in Guatemala. The report also stated that

" In accordance with the Declaration of Principles on Freedom of Expression of the Inter-American Commission, the exercise of power and the use of public resources by the State with the intent to put pressure on social communicators and communications media and/or punish them because of the information they publish are a threat to freedom of expression."

We call on international human rights organizations to firmly demand that the State of Guatemala respect freedom of expression and the fundamental rights of the population; and that it refrain from misusing criminal law and the punitive power of the State against former prosecutors, judges, journalists and human rights defenders.