



Trust deficit:

Guatemala's new president must overcome skepticism to improve press freedom



A special report by the Committee to Protect Journalists

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About this report

Under a new president, Guatemala has the opportunity to reverse years of declining press freedom after journalists endured obstruction, legal harassment, orchestrated online attacks, and threats of violence under his predecessor. To win back trust, the administration will need to make a strong commitment to transparency and provide enough resources to combat impunity in attacks on the press. The country reaches this crossroads as the coronavirus pandemic raises the stakes for free-flowing information. **A special report by the Committee to Protect Journalists.**

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Vílchez is a Nicaraguan multimedia journalist who previously worked at the Nicaraguan independent news outlet *Confidencial*. Her work has appeared in the *Washington Post*, *Newsweek*, *New Internationalist*, and *Aj+*, among others.

Cover photo: Guatemalan soldiers fly the national flag at Constitution Square in Guatemala City, in September 2019. With a new president in office, the country has the opportunity to change the media environment for the better. (AP/Oliver de Ros)

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Trust Deficit: Introduction

Early this year, when the administration of Guatemalan President Jimmy Morales came to an end, many local journalists may have felt a sense of relief. During Morales' four years in office, Guatemalan journalists endured obstruction, legal harassment, and orchestrated online attacks in addition to longstanding threats of violence, particularly outside major cities.

Now that Morales' successor Alejandro Giammattei has assumed office, Guatemala has the opportunity to change the media environment for the better. Some journalists say that online harassment has slowed since presidential elections last year, and a few journalists expressed hope that the new president will forge a more constructive relationship with the press.

But CPJ's interviews with Guatemalan journalists and experts show that conditions for press freedom in the country are fundamentally flawed. Without legal reforms, a genuine government commitment to transparency, and resources to combat impunity in attacks on the press, journalists will remain at risk, and information on topics like the coronavirus pandemic may not flow freely. Even if Giammattei does attempt to address these issues, he will be met with skepticism given journalists' lack of trust in authorities.

"I am not giving the new government any benefit of the doubt when it comes to press freedom," Jorge Santos, the general coordinator of the human rights organization Unit for the Protection of Human Rights Defenders in Guatemala, said shortly after the January inauguration. "Giammattei has already been a public official at other times—his attitude toward the press is nothing new. I don't believe we will see any change."

The stakes are high for such a small country. Many news items in Guatemala have international implications including drug trafficking, corruption, migration, and the environment. Conditions in Guatemala, the most

populous country in Central America's Northern Triangle, are also a bellwether for the region. During the mandate of the U.N.-backed [International Commission Against Impunity in Guatemala](#) (CICIG), an independent body established in 2006 to combat corruption, both Honduras and El Salvador followed suit and set up anti-corruption bodies.

The popular commission helped usher in a decade defined by strong investigative journalism and progress in the fight against Guatemala's endemic corruption. Highlights included new digital outlets staffed by talented journalists, a genocide trial against former dictator Efraín Ríos Montt, and a protest movement that toppled a president, with dozens of corrupt officials stripped of their posts and prosecuted.

"Many reporters saw [the commission] as a means of support for their work," said Javier Estrada Tobar, senior reporter at *Nómada*, an independent [digital investigative outlet](#) that published critical articles about the Morales government. "[It] provided important input for our work informing the population, then we used narratives to inform people about cases of corruption and impunity."

Morales, a former television comedian, had come to power in 2016 on a wave of anti-establishment protests and a promise to fight corruption. Once in office, he took a hostile stance against anyone who investigated him, banishing some of the international anti-corruption prosecutors from the country and [discrediting and undermining journalists, or banning](#) them from press conferences.

"During his administration, Morales dedicated himself to destroying all of the progress of the last 30 years," said Dina Fernández, a journalist and editorial board member of news outlet [Soy502](#).

Giammattei, a former prisons director and four-time presidential candidate who finally won on a hardline platform of security reform and socially conservative values



Guatemalan President-elect Alejandro Giammattei waves as he attends a news conference in Guatemala City on August 13, 2019. His administration is seen as more open than that of his predecessor but local journalists note a defensive attitude on some occasions. (Reuters/Jose Cabezas)

for the Vamos Party, declined to reinstate the U.N.-backed commission or seek regional support for a similar initiative. Instead, he has [set up a presidential commission led by a former drug czar](#), which [analysts say](#) is unlikely to be as effective as the CICIG or have the same international legitimacy.

His administration has taken steps to distance itself from the confrontational approach of its predecessor, including granting broader access to press conferences and making officials more available for interviews.

Fernández said she believed Giammattei was making a good-faith effort to open communication with the press, citing an August 2019 [interview](#) with CNN. “[Giammattei] demonstrated an attitude substantially different from that of Jimmy Morales,” she said, adding that she hopes the “relationship applies to local media as well.”

Carlos Sandoval, the press secretary for the Giammattei administration, said in October 2019 that the

then-president-elect was committed to transparency and making information available to all citizens through a range of media outlets.

“The goal is to make the government more transparent and facilitate communication, and [Giammattei] recognizes that the press plays a very important role in that,” Sandoval said.

In its first major moment of crisis confronting the coronavirus pandemic, the new administration seems to be resisting the temptation to use the emergency as a pretext to restrict the press.

“Since this began, both the president and vice president have been emphatic that members of the media can continue doing their work,” Héctor Coloj, a coordinator for the Guatemalan Association of Journalists, told CPJ. “There are a few areas of concern, but we are not aware of any type of restriction [the government] has tried to implement to restrict information or cause any type of censorship.”

Since Giammattei took office, a defensive attitude has emerged a few times: He [called the news website *Nómada*](#) “specialists in discrediting” [at a press conference](#) a few days after he was elected. In January, he gave a hostile response to Marvin Del Cid, a freelance journalist and director of free expression organization Artículo 35, who has published several pieces in the national daily *Prensa Libre* about the new administration, its contracts, and financial dealings with consultants. Giammattei told Del Cid [during a press conference](#) that he would like to know who was telling the journalist to investigate his administration.

Journalists said developments in Giammattei’s first weeks in office included a [proposed platform that would centralize press releases](#) and allow the government to manage the flow of official information, and a motion to grant accreditation for journalists covering the presidency. While accreditation is standard in many countries, journalists said the practice had not been seen as necessary in Guatemala, which has relatively few national political correspondents.

Most of the Guatemala City reporters with whom CPJ spoke questioned why the administration was prioritizing these initiatives instead of more pressing issues. “It isn’t necessary when there is already a law on access to information that they aren’t complying with,” Del Cid said. “They’re coming up with things to seem more transparent but it’s just more bureaucracy.”

For example, Guatemala’s cybercrimes laws are inadequate in the face of concerted online harassment campaigns, often by what are referred to as “net centers”—organizations of trolls for hire. Officials abuse other laws to enforce gag orders on news outlets, including at least two instances of female politicians using laws that protect victims of gender-based violence to try to silence news outlets.

Outside major cities, rural and indigenous journalists

are at risk of discrimination and threats from criminal groups and corrupt officials. Failure to investigate cases of violence and threats, and an inability of state agencies to follow up on cases, are underscored by stalled efforts to establish a protection mechanism. Relatively few journalists are jailed long-term in Guatemala—CPJ research in the [past 10 years](#) records one jailed for their work in 2017 at the time of CPJ’s annual prison census—but fatal violence is a risk. At least [six journalists have been killed](#) in relation to their work between 1992, when CPJ began keeping records, and 2019. A further [18 deaths are being investigated](#) from the same time period to determine if their journalism was a motive. Years of impunity in violence against journalists and outdated notions of who is or is not a journalist have added to the problems.

Renewed government support for the newly expanded Prosecutor’s Office for Crimes Against Journalists, a unit that investigates attacks on the press, offers one small spot of hope for justice, but this alone is not enough to protect Guatemala’s journalists.

“The way forward that I see is through putting our efforts toward other spaces and alternative programs,” said Quimy de León, director of the community-led news website and media outlet *Prensa Comunitaria*. “Otherwise, we’ll be waiting for the rest of our lives.”

Despite a promise of transparency, the president is hard to get on the phone. Between November and January, Giammattei’s representatives promised CPJ repeatedly that they would schedule an interview—either in person or via phone. A spokesperson agreed to a short interview on January 10 but failed to answer queries seeking a time or information about how to arrange the interview. CPJ followed up with written questions the same day, which the representative promised to answer. As of early March, CPJ had not received a response to its requests. ♦

‘The business of discrediting’

Online harassment, like in many countries, is a major threat to journalists, but in Guatemala these attacks have greater force because of the popularity of net centers.

The term net center, an [Intercept investigation found](#), refers to individuals or public relations firms that run [campaigns to discredit or spread disinformation](#) via false stories in the press or on social media; and that create networks of social media profiles to attack and disseminate misinformation, including via WhatsApp messages or by hacking accounts, impersonation, and doxing.

Journalists who spoke with CPJ in January said that net center activity appeared to have decreased since the election, but none of them believed the threat was gone.

“The net centers are a little quieter now, but the infrastructure to attack journalists is still there,” Antonio Barrios, editor-in-chief of *Prensa Libre*, said.

Their damaging nature became apparent in 2017, when Morales turned against the anti-corruption commission. In January of that year, the commission accused Morales’ son and his brother with fraud and charged his brother with money laundering, the [Associated Press reported](#). From that point, Morales and his supporters in Congress repeatedly [attempted to weaken the commission](#), including expelling its [head](#) Ivan Velásquez from the country, [refusing to renew visas](#) of other prosecutors, and criticizing and threatening journalists covering its findings.

A court in August absolved Morales’ son and brother in the corruption case, the AP reported.

CPJ was unable to reach a spokesperson for Morales for comment. A representative from the office of the President in October referred CPJ via email to the website of the Secretariat of Social Communications. The secretary did not respond to CPJ’s calls seeking comment.

As support for the commission waned, large-scale attempts to discredit, harass, and threaten the media ensued. Online campaigns sought to discredit journalists’

work, insinuate they were on the payroll of international actors, or described them as traitors trying to destabilize the country. Because of a lack of transparency over who a net center is working for, the abuse is hard to combat or counter.

A May 2019 [report](#) by the U.N.-backed commission described these operations as an attempt to “flood” social media with content to affect the framing of conversations online. The report included analysis of Twitter activity allegedly linked to net centers, which showed that at least eight journalists who reported regularly on anti-corruption efforts, along with lawyers, human rights defenders, and others were harassed online.

“The main targets of the net centers are journalists who cover [politics and corruption], or those who give their opinions often,” said Enrique Naveda, general coordinator and co-founder of independent digital media outlet *Plaza Pública*.

Luis Assardo, a journalist and researcher who has monitored online activity since the early part of the decade, said the organizations or groups often operate like mercenaries, following the instructions of a client or employer—even working for [multiple campaigns](#) at the same time—and charging up to US\$300,000 per month for tailored campaigns. “These days, net centers are in the business of discrediting,” he said.

“The net centers are a little quieter now, but the infrastructure to attack journalists is still there.”

Antonio Barrios, *Prensa Libre*

As well as online harassment, journalists and human rights activists have had [Twitter or email accounts hacked](#) or communications intercepted, according to the Office of the United Nations High Commissioner for Human Rights. An August 2018 [investigation](#) by *Nuestro Diario* also found [surveillance programs](#) under three successive administrations since 2012 targeted journalists. In September 2016, Morales [fired two high-ranking officials](#) in the presidential security service, [and cited](#) the Attorney General's investigation into their alleged involvement in an illegal spying program.

In a meeting at *Nómada's* Guatemala City office, which is housed behind several security checkpoints, staff told CPJ that the outlet's website experienced months of DDoS (distributed denial of service) attacks designed to crash the site during 2017.

One attack came [shortly after the outlet published](#) audio clips of testimonies from survivors of a [fire](#) at a state-run children's shelter in the capital in March 2017. The fire killed [over 40 people, mostly young women and girls](#), and led to widespread criticism of the government for apparent inaction and negligence. Morales acknowledged "state responsibility" for the fire but insisted the government did not bear any criminal responsibility, [according to reports](#).

Some of the online harassment aimed at the media includes rhetoric around leftist or guerrilla groups that plays on Guatemala's polarized landscape following its civil war.

Fernández, of *Soy502*, described a [campaign in 2018](#) in which memes shared on social media labelled four high-profile journalists, including Juan Luis Font, a former director of *elPeriódico* and co-founder of *ContraPoder*, and *ConCriterio* journalist Henry Bin, as pedophiles or "terrorists." Fernández said that some of the messages urged people to stop the journalists if they saw them in the street. The harassment [followed](#) Bin's in-depth [report](#) on how the net centers functioned, including interviews with three managers.

Other triggers are elections. Fernández was among more than a dozen journalists who noted an increase in digital harassment and threats during national elections in 2015 and 2019.

A 2019 electoral [analysis](#) by the Asociación de Periodistas de Guatemala (APG) included two cyberattacks against news sites but did not specifically document net center attacks. Interestingly, [the analysis noted](#) a drop in physical violence compared with the 2015 election. Colo,

the APG coordinator, said the decline could be due to revised electoral laws and practices around elections reporting, or a result of self-censorship, with journalists in remote regions avoiding sensitive political topics. Luis Daniel Ordóñez Hernández, the acting director of the prosecutorial unit, also credited the drop in physical violence to journalists' greater awareness of risks.

The anti-press rhetoric and harassment has affected how sources respond to journalists. People who were once co-operative now view the media with suspicion or refuse to talk to them. "People yell at journalists, refuse to give them information, hang up on them when they call," *el-Periódico* editorial director Lucy Chay said.

"The media put so much pressure on all the corruption that was here, now obviously there are campaigns with the objective of discrediting the media, to undermine credibility at the popular level, so people don't trust the media," said *Soy502* editorial director Mario Cordero Ávila.

Some journalists said that the harassment—incidents cited to CPJ included attackers circulating photos of journalists' relatives and children; accusations of pedophilia; and attempts to out a gay journalist—led them to rethink their security. "I've never needed security cameras at my home before," said *Soy502* editor Fernández, adding that she recently had some installed.

While many newsrooms try to offer staff essential advice about digital security, most journalists and advocates who spoke with CPJ said they did not think the advice was sufficient. And while most newsrooms have some measure of physical security, such as metal detectors, visitor logs, guards seemingly standing watch outside every business in Guatemala City, outlets seem unprepared to apply a similar approach to digital security.

"Most outlets haven't thought about protection protocols," said net center researcher Assardo. "They have no idea how to respond."

So far, social media companies have responded to trolling in Guatemala and globally largely by directing journalists to their [tools to report and block](#) accounts, and rolling out features that allow users to flag and report abusive users.

Among the difficulties facing countries recovering from conflict and civil war are interpreting the regional or local context of a threat. In Guatemala, where tens of thousands of civilians were killed during the civil war for being alleged sympathizers with leftist rebel groups, the use of rhetoric like "terrorist" to harass journalists—such



A sign reading 'Rest in peace CICIG' is seen during a protest against the U.N.-backed anti-corruption commission in Guatemala City in January 2019. Online harassment campaigns attempted to discredit journalists covering the commission. (AFP/Noe Perez)

as Bin—may not trigger Twitter’s general policy on harassment, but can easily make the victim of the harassment feel more vulnerable to physical attack.

Twitter is working to better identify threats, its head of public policy for Mexico and Latin America Hugo Rodríguez Nicolat said. In an email to CPJ, Rodríguez said that the platform’s public policy team was “building close connections with partners around the world to quickly escalate threats to journalists and human rights defenders.” In Guatemala, the team has communicated with activists and non-governmental actors, including the Office of the United Nations High Commissioner for Human Rights, and the American Bar Association, he said.

In response to questions about net-center attacks, Rodríguez said that “platform manipulation is strictly against the Twitter rules.” He added that Twitter takes “aggressive enforcement action if we identify this behavior on our service” and that cases of networks of accounts

tied to state-backed information campaigns were added to the [Twitter public archive](#).

CPJ did not receive a response to an emailed request for comment from Facebook on harassment and trolling on its platforms of Facebook and WhatsApp.

Journalists have found Guatemala’s laws lacking in protection when it comes to digital attacks.

“If someone doxes you, that’s within the bounds of freedom of expression,” Assardo said. “There’s no legislation that incorporates these types of crimes.”

The national police established a cybercrimes unit in 2015, but in a February 2018 [interview](#) with Guatemalan digital and radio outlet ConCriterio, the unit’s then-director Diego Teos said that the legal code did not contain clear language that applied to online harassment.

But after [lobbying](#) by *Nómada*, *Plaza Pública* and nearly a dozen other outlets, Guatemala’s attorney general opened an investigation in November 2017 into a net



Police and the media are seen outside the Guatemala City offices of the International Commission Against Impunity office (CICIG) in August 2018. The popular U.N.-backed commission helped usher in a decade defined by strong investigative journalism and progress in the fight against Guatemala's endemic corruption (Reuters/Luis Echeverria)

center-led campaign involving DDoS attacks on multiple outlets and attempted hacks of various sites and journalists' social media profiles, the [Inter-American Commission on Human Rights](#) reported. The office has not released any findings from the investigation.

Oscar Molina, the head of the police unit, did not fully respond to CPJ's query on the results of the investigation. However, he said via messaging app that the unit investigated one of the 2017 attacks on *Nómada* and determined that it came from a botnet based outside of Guatemala, making it difficult to identify or prosecute those responsible. He said the agency recommended that *Nómada* take steps to improve its cybersecurity.

Molina told CPJ in October that the unit had investigated seven cases involving journalists: four involving defamation and three involving threats. He did not specify if any led to prosecutions.

However, most journalists are wary of relying on the

authorities for redress or seeking legal reforms to tackle online harassment.

Assardo and some journalists and rights advocates said they were cautious about pushing for legal reform to try to tackle the harassment, pointing out that such laws can easily be abused to silence critics. Many said that laws to restrict social media behavior could as easily be turned against the press or used to restrict freedom of expression. Others, however, insisted that legal reforms would be a necessary part of a push toward greater press freedom.

CPJ has found that laws seeking to restrict social media content in the name of countering terrorism or hate speech can instead provide legal cover for [government censorship](#) or [leave decisions](#) about what is illegal content in the hands of privately owned companies that may be inclined to censor more content to avoid potential fines or protect certain interests. ♦

Legal loopholes to censorship

Already, Guatemala's elite have tested how far the judicial system can be used against the press. Before the 2019 election, *La Hora* director Pedro Pablo Marroquín, said he had seen a noticeable change over the previous two administrations in the use of the criminal code to attack the press.

Defamation is still criminalized in Guatemala, but relatively few cases have been [brought against journalists](#)—and even fewer were successful, CPJ has found. The country's press laws, while often inadequate, are not directly responsible for the bulk of harassment. Instead, laws that have nothing to do with freedom of expression are twisted to intimidate or censor journalists, and lawmakers occasionally introduce legislation that weakens or rolls back the few guarantees journalists have.

One of the most extreme abuses of legislation involves the Law Against Femicide and Other Forms of Violence Against Women.

Guatemala passed the law in 2008 to [protect women](#) against torture, murder, sexual violence, and other crimes. The country has the [third highest rate of femicide](#) (the killing of women and girls killed because of their gender) in Latin America, according to the Gender Equality Observatory for Latin America and the Caribbean.

Since 2018 at least two politicians have attempted to gag the media using laws that prohibit mentioning alleged victims.

In April 2019, Sandra Torres, a former first lady and 2019 presidential candidate, [filed a criminal complaint](#) against six editors of the independent newspaper *el Periódico* for damaging her dignity. The paper had reported on [allegations that](#) Torres violated campaign finance rules during the 2015 election, according to reports.

el Periódico's president José Rubén Zamora told CPJ that Torres' lawyers relied on an article that requires the alleged perpetrator to refrain from mentioning the victim

in public—effectively seeking to stop the newspaper from reporting by claiming that it degraded Torres and damaged her dignity.

Torres announced on Twitter on May 13 that she was withdrawing the complaint, [saying](#) the gesture “reaffirmed my commitment to press freedom.” She was [arrested in September](#) on suspicion of violating campaign finance rules in a move that she described as a political witch hunt, the BBC reported. As of February 2020, Torres [was under house arrest](#).

A spokesperson from Torres' National Unity of Hope (UNE) party agreed via messaging app to speak with CPJ but did not respond to multiple follow-up messages between September and February.

Separately, in July 2018 then-Foreign Minister Sandra Jovel filed a complaint against Zamora for psychological violence and discrimination and sought to bar the journalist from writing about her, [Zamora told CPJ](#) the same month. In October 2019, *El Periódico* staff told CPJ the outlet's legal representation was seeking to have the case dismissed.

The national judiciary did not respond to an emailed request for comment from CPJ on the apparent abuse of laws to try to censor journalists.

In a less direct way, legislation posed as offering greater

“[The law] helps us access information that wasn't previously available, but it needs modification.”

Marvin Del Cid, Artículo 35

Laws that seek to silence



Law for the Expression of Thought

Regulates freedom of speech and expression; outlaws forcible closure of newspapers and denial of press or broadcast licenses; prohibits libel, slander, and treason in print

Penalty: A print jury, under Article 48, can decide if a complaint is valid and should be referred to a judge. Penalties for “moral damage” range from three months in prison or substitutive measures, such as a fine or house arrest. The penalty for treason is up to 18 months in prison

Press impact: A print jury should hear cases against the media, but in nearly all instances the regular justice system hears those cases



Criminal Defamation

Articles 159-166 of the Guatemalan Penal Code cover defamation, calumny, and insults as “crimes against honor” carried out or knowingly reproduced in any medium

Penalty: Up to two years in prison, and a fine of up to 200 quetzales (US\$26) for calumny. Up to one year for insult and five years in prison for defamation

Press impact: In 2013, former President Otto Pérez Molina files a [criminal complaint](#) against *elPeriódico de Guatemala* and its editor, Jose Rubén Zamora Marroquín. The case is later dropped



Incitement

Article 394 of the Guatemalan Penal Code—Crimes Against Public Order—covers incitement to commit a crime

Penalty: Up to four years in prison

Press impact: Authorities charge *Prensa Comunitaria* journalists Carlos Choc and Jerson Xitumul Morales with incitement after coverage of protests in 2017

transparency has also created obstacles.

[Hailed by local journalists](#) and press freedom groups as a step toward transparency when it passed in 2008, the [Law of Access to Public Information](#) requires state agencies to maintain records, publish reports, and comply with requests for information about public expenditures, contracts, and other topics, but several journalists said it

suffers from poor compliance and lax enforcement.

“[The law] helps us access information that wasn’t previously available, but it needs modifications,” said Del Cid of Artículo 35.

Staff at *elPeriódico* said that in the past year several government agencies replaced public records that were previously available online with forms to request information.



Terrorism

Articles 391-393 of the Guatemalan Penal Code cover terrorist activity and public intimidation in physical spaces or online, and outlaw attempts to attack the constitutional order, affect public order, or cause public alarm through acts that provoke or publicly threaten violence

Penalty: Up to 15 years in prison. A [2018 draft bill](#) that proposes up to 20 years' imprisonment for using methods including news media to intimidate, generate fear, or cause alarm fails to pass

Press impact: Journalists are named in a 2011 criminal complaint that accuses over 50 people of [terrorism or murder](#) during Guatemala's civil war



Theft of Frequency

Articles 246 and 249 of the Guatemala Penal Code cover theft and "frequency theft." The Drug Trafficking and Environmental Crimes Court sometimes hears the cases

Penalty: Up to six years in prison for theft. Fine of up to 3,000 quetzales (US\$390) for frequency theft

Press impact: Charges [filed against](#) community radio stations and operators broadcasting without a license, who are often unable to obtain or pay for an official frequency



2008 Law Against Femicide and Other Forms of Violence Against Women

Articles 11 and 15 establish special tribunals and sentencing guidelines for gender-based crimes against women, including murder and physical or economic violence. The law includes provisions barring alleged perpetrators from mentioning victims in public

Penalty: Up to eight years in prison for physical, economic, or psychological violence

Press Impact: In April 2019, former first lady and 2019 presidential candidate Sandra Torres files a [complaint against six editors](#) of *elPeriódico* under the law for damaging her dignity. Torres [withdraws the complaint](#) a month later

Sources: CPJ research, Guatemala Penal Code, Law for the Expression of Thought, Femicide Law, Cultural Survival, United Nations, Freedom House.

Reporter Isela Espinoza said that "[Guatecompras](#)," a publicly accessible system through which government entities are required to register and document purchases or contracts, appears to have "much less information than it did four years ago."

Fernández, of *Soy502*, added that delays in officials responding to information requests and other bureaucratic

processes have made it increasingly difficult to access information.

This pattern of stonewalling explains why journalists who cover politics and public projects are wary of Giammattei's proposal to create a centralized platform for publishing press releases and government agency updates.

Authorities said the platform will facilitate transparency



Newspaper headlines announce the election of Guatemala's new president, Alejandro Giammattei, on August 12, 2019. A spokesperson for Giammattei says the administration is committed to transparency and making information available through a range of media outlets. (Reuters/Jose Cabezas)

and access to information and save journalists time; instead of calling a hospital administrator for comment, for example, the information will be available on the platform. However, reporters expressed doubts that such a platform would be useful or necessary, and a few said they believed it could get in the way of asking sources questions directly.

“There is already a law that requires them to make information public,” *Prensa Libre*'s Barrios said. “[Government agencies] could just put that information on their home page. This is dangerous because they could control

access to information.”

The challenge in guaranteeing their legally protected right to access public information, many said, went beyond uncooperative government officials.

“It's not just government authorities, but also civil society as a whole, that needs to understand the work that journalists do, that the right to access information benefits all of society,” said Estrada of *Nómada*. “There's not an understanding that society is strengthened by journalism and a diversity of media.” ♦

Environmental issues a risky beat

The threat of legal action grows in smaller cities and rural areas where economic interests and organized crime hold sway and some local judges can be susceptible to bribes and pressure, reporters said. These regions are often home to hot-button topics like extractive industries, land or indigenous rights, gender equality, or drug trafficking.

“All of the issues are present in the rural areas,” said de León, whose outlet, *Prensa Comunitaria*, has reported on mining companies, forced displacement, and femicide. “Right now, we’re very worried about the risks for community reporters in those [rural] regions.”

“Local journalists are taking on enormous monsters,” said Luis Ovalle, of the APG’s Observatory of Journalists, which monitors press freedom violations.

Guatemala is one of the most dangerous countries in Latin America for those taking on environmental issues. Global Witness recorded a rise in killings of land and environmental defenders (from three in 2017 to 16 in 2018), making Guatemala the world’s deadliest country per capita, according to the international non-governmental organization’s 2019 [report](#) on killings of individuals who tried to protect homes or communities against destructive industries. The report cited violent land grabs, expanded extractive projects, increased criminalization of Guatemala’s indigenous peoples, minimal state presence, and above all, the state’s failure to investigate and prosecute cases as reasons for the spike.

The few journalists reporting on environmental and land rights defenders often face threats of violence or legal action. However, data is hard to come by. Government-run and independent bodies collect data, but the APG and others with whom CPJ spoke said research was limited because often reporters were too fearful—or skeptical—to log incidents. An independent analysis by Centro Civitas in 2016 illustrated the pervasive issue of under reporting.

The media freedom group [documented](#) 32 press freedom violations that were not reported to authorities the previous year.

Reporters covering environmental issues tend to fall into two groups. The first are either international or Guatemalan journalists working in large cities who have the backing of major publications. The foreign press have passport privilege, a powerful embassy to intervene if anything happens, and perhaps, most importantly, the ability to leave. The second group mostly comprises rural and indigenous reporters who cover the issues that affect the communities in which they live. These journalists have none of the protections afforded their foreign counterparts, and little chance that violence or threats against them will inspire the same mobilization or outrage.

APG coordinator Coloj, who is based in Guatemala City, said that in regions with only a few journalists, it’s not hard to track a reporter down. “They know where you live, where your children go to school. It doesn’t just affect your journalism, but your social life as well,” he said.

Coloj added, “In the capital there is greater freedom for investigation, but in the departments, it’s harder.”

Santos, the general coordinator of the human rights organization Unit for the Protection of Human Rights Defenders in Guatemala, identified several factors that expose reporters to greater risk including the presence of organized crime and drug trafficking groups, local authorities who undermine and restrict the press, and

“Local journalists are taking on enormous monsters.”

Luis Ovalle, APG Observatory of Journalists

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'The goal was to silence me'

Prensa Comunitaria knows first-hand the risks of covering environmental issues and powerful economic interests. In August 2017, authorities in the eastern Izabal department issued arrest warrants for seven individuals, including two of the news website's indigenous journalists: Carlos Choc and [Jerson Xitumul Morales](#).

The journalists said they believe the warrants, which [accused the men](#) of incitement to commit crimes, illegal protests and illegal detention during protests, were meant to intimidate and silence them.

At the time, the outlet was reporting on the protests and also [investigating](#) apparent pollution of Guatemala's largest lake, Lake Izabal, in a region that is home to nickel deposits and a number of indigenous communities. Choc had also documented the death of a fisherman, killed when police fired on protesters on May 27, 2017.

Choc, Xitumul, and their colleagues deny the charges and said that the journalists were there [only to cover the protests](#). They added that the reporters were not even present at one of the alleged incidents.

The case has dragged on for years, with the men forced to make frequent trips of three to four hours each way for court appearances that inevitably end with the judge [postponing](#) the trial. Authorities [arrested](#) Xitumul on November 11, 2017, and held him in pre-trial [detention](#) for more than five weeks before releasing him under house arrest.

Choc, who received threatening calls and messages over his reporting, said he presented himself before a judge in February 2018, but went into hiding after an arrest warrant was issued.

"The goal was to send me to jail and silence me," Choc said.

The member of the Maya Q'eqchi' community said he went into hiding over fears that police would take him into custody or that the callers would act on their threats.

Choc moved to a safe house, where he spent almost a year cut off from the world. The journalist's colleagues said they had to find a safe house for Choc after the Unit for the Protection of Human Rights Defenders, a nonprofit that offers support to those under threat, failed to find a suitable location.

While in the safe house, Choc had to sell possessions, including his motorcycle and phone, to send money to his family. He spoke to his children only over a secure internet connection. "It was very hard to leave my children behind and go somewhere else without anything," said Choc, who has been a journalist for more than 12 years. "I couldn't even speak."

The *Prensa Comunitaria* journalists say their colleagues never had a chance for a fair trial. The



Carlos Choc, a journalist for Prensa Comunitaria, was forced into hiding because of legal harassment and anonymous threats over his reporting in Guatemala's Izabal region. (Nelton Rivera/*Prensa Comunitaria*)

presiding judge repeatedly referred to Choc and Xitumul as trade unionists, dismissed their role as journalists, and consistently ruled in favor of the mining company in other cases related to the protests. In July 2018, a court [dismissed](#) the charges against Xitumul, but at a preliminary hearing in January 2019, the judge allowed the case against Choc to proceed, despite prosecutors asking that it be dismissed for lack of evidence, *Prensa Comunitaria* [reported](#).

CPJ's calls for comment to the Criminal Court of First Instance for Drug Trafficking and Environmental Crimes in Puerto Barrios went unanswered.

While Choc waits for the judge to respond to his legal team's request to drop the case, he remains under "substitute measures" meaning he must check in with authorities once a month and follow other arbitrary guidelines, such as avoiding places that serve alcohol.

"I'm stuck on standby, literally," he told CPJ in January 2020. Choc said he was still reporting but keeping a "low profile." His colleague Xitumul, however, has stopped working as a journalist.



Fishermen work in Guatemala's Lake Izabal in 2002. Journalists covering issues in the region, including the impact of industrial pollution, face threats and legal action. (AP/Jaime Puebla)

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powerful groups such as mining companies that “in many places have become the actors who determine what does and does not happen in their areas of influence.”

Giammattei highlighted the importance of development for his administration. A four-year [National Innovation and Development Plan](#) presented during his campaign emphasizes the need for international investment. Giammattei [voiced support](#) for infrastructure and transit megaprojects including a railway linking the country's Caribbean and Pacific coasts.

Journalists in rural regions said that such projects could exacerbate existing conflicts in those areas without addressing the root of the problems, and increase risks for those covering the projects.

“We're worried about the safety of journalists in the territories, as the government has taken accelerated steps in the first few weeks to advance extractive projects,” de León said. “The worry is that this government is going to

continue the implementation of extractive projects and megaprojects, and that will bring rising levels of human rights violations in those places.”

De León and Andina Ayala, a researcher, anthropologist and contributor to *Prensa Comunitaria*,

said they already see more threats and aggression against community reporters covering these issues and that threats tend to spike along with increased emphasis on megaprojects or mining concessions.

Some outlets try to mitigate the dangers to their journalists by pulling staff from restive regions or sending teams in for short periods of time.

Barrios, of *Prensa Libre*, said the newspaper often sends in reporting teams from Guatemala City, even when that means a 10-hour journey by car. He said that it has become hard to retain correspondents because of factors ranging from resources to fear: a network of more than 30 regional correspondents as of four years ago has dwindled to just a dozen. The lack of local reporters and knowledge has

serious implications not just for the local markets, but for national coverage, he said.

Despite the pressures, for many the risks have become part of their daily routines. “Journalists think that violence against them is something natural,” Coloj said.

Clara Manosalbas, *Nómada*’s deputy director, agreed: “I’m worried that journalists here just accept the levels of violence.”

Impunity and an ineffective approach in investigating journalist attacks adds to the dangerous environment.

Between 1992 and late 2019, [partial justice](#) has been [achieved](#) in [only two](#) of the [four cases of murdered](#) journalists. CPJ is investigating an additional [18 killings](#) from the same time period to determine if journalism was a motive. But in a country with high levels of [violent crime](#) and where the presence of organized crime groups and a distrust of state institutions discourages some journalists from reporting threats, it can be hard to track cases or get a clear picture of the extent of the problems.

Guatemala has a specialized prosecutorial unit to investigate crimes against journalists, but critics say it is slow and ineffective. This, coupled with a fear of retaliation that deters people from coming forward with information, contributes to the difficulty in determining if journalism was a motive in killings.

The Prosecutor’s Office for Crimes against Journalists, which investigates fatal violence and other attacks on journalists, has secured 17 convictions, acting director Ordóñez said at a press conference in December. However, as with many cases in Guatemala, the convictions often fail to identify the masterminds in addition to those who carried out the attacks.

One of the few cases that did yield results was the March 2015 [killings](#) of *Prensa Libre* reporter Danilo López and radio journalist Federico Salazar in Mazatenango, the capital of the southwest Suchitepéquez department. López had worked as a Suchitepéquez correspondent for *Prensa Libre* for more than a decade and [often wrote](#) about corruption and the misuse of public funds, according to his paper.

Following the [publication](#) of a [collaborative reporting project](#) by four independent outlets, the U.N. anti-corruption commission [opened](#) an investigation and [the case was referred to](#) the special prosecutor’s unit. In 2017, authorities convicted a gunman. The following January, they [arrested](#) Congressman Julio Juárez Ramírez. [According to investigators](#) with the commission, Juárez ordered the attack on López because he was working on a story about

corruption in the local government of Santo Tomás La Unión, where Juárez was mayor at the time.

As of January 2020, the trial was ongoing. Juárez, who is in custody, has maintained his innocence, including in February 2017 interviews with the outlets *Canal Antigua* and *Plaza Pública*.

“If the CICIG hadn’t been here in the country, that case would never have been investigated,” said Santos, of the Unit for the Protection of Human Rights Defenders in Guatemala.

Still, the case is the exception rather than the norm. While rates of violence against journalists are not as high as in neighboring Mexico or Honduras, the Guatemalan press suffers the consequences of impunity.

Widespread discrimination against indigenous communities—and outdated notions of who is or is not a journalist—also shape the way reporters are treated by state institutions and their peers.

“If you’re not recognized as a journalist because you’re not affiliated with a corporate media outlet, the attorney general’s office won’t take up your case,” said de León. When some community reporters tried to submit complaints, she said, they became the subject of a criminal investigation for operating “pirate radio” stations. Because of this, indigenous reporters often avoid reporting attacks or threats from officials to avoid drawing more attention from authorities, she said.

Authorities regularly raid community radio stations for operating without a license, according to the indigenous people’s advocacy organization Cultural Survival. Authorities argue that these stations [compete unfairly](#) with licensed broadcasters. Groups including the [Inter-American Commission on Human Rights](#) have said that the community stations have little option. Non-profit stations are not eligible for licenses under current regulations. Broadcast licenses are [auctioned](#) at prices that are out of reach for many local community outlets, according to [Freedom House](#) and Cultural Survival.

These stations are [key to sharing information](#) with Guatemala’s Maya and other indigenous communities. At least two stations were shuttered between 2016 and 2018, according to a [report](#) from the APG’s Observatory of Journalists. While the number is small, it represents a [significant loss](#) in a country like Guatemala, where only a handful of about 100 community radio stations operate legally. During raids, radio workers can be [detained](#) and face criminal charges. Two female community radio reporters arrested [during a raid on four stations](#) in November 2018



Journalists from Prensa Comunitaria hold a sign reading ‘Jailing journalists does not silence the truth.’ Reporters in Guatemala’s remote regions are at higher risk of harassment, threats, or attacks. (Nelton Rivera/Prensa Comunitaria)

were accused of theft, *Prensa Comunitaria* reported at the time.

Attempts in 2016 to pass a [community media law](#) that would provide legal access to the broadcast spectrum and comply with Guatemala’s Constitutional protections for indigenous peoples’ right to media [stalled](#) before Congress could vote on it, according to reports.

“Local journalists in the departments have the greatest need, and must be taken more seriously,” APG’s Coloj said. Yet, “community media networks continue to be persecuted and shut down.”

Ordóñez, who has worked with the prosecutorial unit for more than three years, said he hopes that journalists, regardless of their outlets or credentials, know that they can file complaints. He emphasized that the unit only investigates crimes against journalists.

In response to comments that community reporters feared becoming the subjects of investigations when reporting crimes, Ordóñez said that the unit is for all journalists. He added, “Anyone who exercises freedom of expression is protected under national and international law.” ♦

Finding solutions—and trust—for Guatemala’s journalists

If Guatemala’s government is serious about press freedom it needs to ensure that attacks and threats are prosecuted, offer suitable protection to journalists, and implement a more effective system for offering assistance.

The government has made incremental steps to address some of these issues. The Attorney General’s office announced in December that it will [expand and provide extra funding](#) for the Unit for Crimes Against Journalists, which investigates murders, threats and attacks on media workers, as well as less severe press freedom violations.

Aside from the unit, which under the expansion will be renamed the Prosecutor’s Office for Crimes against Journalists, those under threat can seek help from the Human Rights Ombudsman’s Office, which records complaints and can make recommendations to other state agencies. In addition, they can go to the Government Ministry, which can offer a police security detail; the Public Ministry’s witness protection program, which manages safe houses; and a nonprofit for human rights defenders that provides security advice, legal support, and other assistance.

Several journalists and press organizations said that the measures often don’t account for the specific needs or risk profiles of reporters, and that responses are slow or inadequate.

Other proposals have failed to materialize, including a journalist protection mechanism that has been under discussion since Guatemala publicly agreed to its creation during the 2012 U.N. Universal Periodic Review—a process that examines the human rights records of member states. Then-President Otto Pérez Molina formally announced the launch of the mechanism in [2013](#), but more than six years and three presidents later, the project has yet to progress beyond paper.

In countries including Mexico and Colombia, CPJ has found protection mechanisms or law enforcement units that investigate attacks on the press contribute to a reduction in violence and strengthen investigations.

Organizations and programs created by civil society and media outlets have also advanced safety for journalists in countries including Afghanistan and Pakistan. In a 2017 report, the media development organization [International Media Support](#) found that coordinated national structures that incorporated participation by the press, media support groups, and government agencies were improving conditions for journalists.

However, several journalists with whom CPJ met scoffed at the idea of relying on the government to protect them, either through law enforcement or an official mechanism. “Imagine Jimmy or Sandra [Torres] creating a law to protect journalists,” *elPeriódico* editorial director Chay said in May, as the half-dozen *elPeriódico* reporters gathered around the table shook their heads or shuddered.

The expansion of the Prosecutor’s Office for Crimes against Journalists is seen by many rights groups and journalists as a welcome and necessary step. However, from conversations with Guatemalan journalists it is clear that it will take more than an influx of cash to address criticisms including that the unit is slow to respond to cases, especially those involving community reporters, and ineffective in tackling impunity.

Local journalists and advocates said that for years the unit, which has offices in Guatemala City and the western city of Quetzaltenango, has been overwhelmed by cases, chronically understaffed, and under-resourced. Following heavily criticized cuts in July 2019, the unit downsized from nine staff to five, [the APG](#) reported.

“The unit has gone through so many prosecutors in the last four years, it’s been a revolving door,” *Prensa Comunitaria* photojournalist Nelton Rivera González said. “This makes it very difficult to establish any kind of continuity on cases.”

With independence from the Human Rights Prosecutor’s Office, the expanded unit will have access to more funding, resources, and specialized staff, according to acting director Ordóñez and Coloj. As of February, however,



The front page of the newspaper *el Periódico* de Guatemala that reads, in Spanish, 'Journalists killed' hangs on a gate at the Presidential House during a protest in March 2015 over the killing of journalists Danilo Lopez and Federico Salazar. (AP/Moises Castillo)

the new administration had not announced the budget.

In January, Ordóñez said he hoped the new designation and funding would allow the unit to hire more staff, revisit older cases, expand outreach, and perhaps open another regional office.

These steps could help relieve a backlog of stalled investigations. When Ordóñez spoke with CPJ in October, before the expansion, he said that the unit had 140 open cases, including 66 involving serious violence.

But to be truly effective, protection efforts will need to establish trust with the press.

Many journalists said they were wary of state-run protections and investigative mechanisms. Some said they feared a more comprehensive protection program could become a way for the state to spy on journalists, with assigned guards watching their every move and keeping track of meetings.

"Putting protective measures in the hands of the police is just a means of control and surveillance," *La Hora's*

Marroquín said.

"Instead of protecting us, they would watch us," said *el Periódico* deputy director Julia Corado.

The nonprofit Unit for the Protection of Human Rights Defenders is one way for those under threat to seek external assistance. Since 2000 it has helped human rights defenders in Guatemala and elsewhere in Central America to document and respond to threats. It also provides legal, security, and mental health support. But the organization has limited capacity to protect those on the ground.

"As an NGO, we can't provide the kind of [comprehensive] protection that journalists are hoping for," Director Jorge Santos said. "The issue is that there isn't a single government mechanism, and unfortunately the Public Ministry has been unable to offer an effective response, even in the most serious cases."

Another resource is the Human Rights Ombudsman, whose office monitors human rights violations in the country, records complaints, and is tasked with ensuring

that Guatemala complies with human rights obligations. In December it [announced](#) the creation of a subsection to respond to complaints from human rights defenders, including journalists.

The main weakness of Guatemala's efforts, however, is a lack of national coordination.

A state entity—the Unit for the Analysis of Attacks against Human Rights Defenders—had been tracking incidents. However organizations, [including Amnesty](#), criticized its narrow definition and failure to offer appropriate protection. Then in 2018, the Morales administration stopped providing resources for it, Santos said.

Still, some insisted that a mechanism—even a flawed one—was a necessary step toward protecting the Guatemalan press.

“It’s fundamental to create and move forward with a protection plan for journalists,” said Del Cid of Artículo 35, adding, “That’s where we’ve failed.”

Safety for Guatemala’s journalists hinges on working with colleagues whose commitment to solidarity extends to keeping each other safe, and of having the financial resources to pay for private security measures, as some journalists in Guatemala City said they have recently begun to do.

Rivera, from *Prensa Comunitaria*, added that various

free expression groups and community radio stations were developing protection protocols. However, these efforts were still in the minority and CPJ found little coordination across the industry.

Presidential spokesperson Sandoval did not comment specifically on any plans related to legal protections for journalists. When asked about the journalism protection mechanism promised since 2012, he said the administration would be open to discuss “anything that benefits the Guatemalan people.” He added, “If it’s a way to support journalists so that there’s a better chance they can work safely, to do good, investigative journalism, then we are definitely going to support it.”

Coloj said that a draft plan was waiting for approval before implementation. But others questioned whether the new administration has any intention of improving conditions for journalists beyond making it easier to interview the president.

Nearly all the journalists and rights groups agree several changes must be made to improve press freedom and working conditions for the press. The only thing missing so far has been political will to see these plans through.

“We’re hoping for a change,” said *Nómada*’s Estrada. “Guatemalan journalism can’t keep waiting just for things to stay the same.” ♦

Recommendations

The Committee to Protect Journalists offers the following recommendations:

TO PRESIDENT ALEJANDRO GIAMMATTEI:

- Take swift, decisive action to follow through on the international commitment made to implement and fund an independent, representative journalist protection plan that includes prevention, protection and justice for crimes against journalists. The protection plan should establish a legal and regulatory framework that allows investigators and prosecutors to prosecute those responsible for crimes against journalists, even if they are members of state security forces or politicians; and ensure that individuals providing protection for journalists under threat have undergone appropriate, specialized training
- Ensure adequate funding and resources for the expanded Special Prosecutor's Office for Crimes Against Journalists, with trained staff focusing exclusively on crimes against journalists. Protect the special prosecutor's authority to conduct investigations into attacks on journalists, both physical and digital
- Ensure state agencies respond adequately to cases of threats or attacks against female and indigenous journalists, and provide specialized resources as needed
- Collect reliable, comprehensive information and data on threats and violence against journalists and press freedom violations, and make that information publicly available by reviving the Unit for the Analysis of Attacks against Human Rights Defenders and ensuring it is able to operate as a trustworthy, independent entity
- Ensure all news media are allowed access to all regions, and that security forces do not harass or impose restrictions on journalists working in those areas
- Direct state agencies to make public information readily available and accessible to reporters, in compliance with the Law of Access to Public Information, and to respond in a timely, transparent manner to freedom of information requests
- Ensure judges overseeing cases related to freedom of expression have adequate training in national and international norms
- Update electoral laws to restrict political parties, officials or candidates from contracting services from "net centers" that harass journalists

TO THE ATTORNEY GENERAL:

- Prioritize investigations into journalist murders, including the 2015 killing of *Prensa Libre's* Danilo López and radio journalist Federico Salazar, and bring those responsible for ordering and carrying out these killings to justice
- Provide training to prosecutors assigned to crimes against press freedom. Ensure that this training addresses the unique problems facing journalists and highlights the vital role of a free press to democracy

TO GUATEMALA'S CONGRESS:

- Reform Articles 159-166 of the Penal Code to remove "crimes against honor" (defamation, calumny and insult) from the Criminal Code
- Act quickly to establish the new anti-corruption commission promised by President Giammattei, to ensure continuity in the fight against corruption and impunity in Guatemala
- Pass the Community Media Law ensuring community radio stations have legal access to frequencies

TO THE ORGANIZATION OF AMERICAN STATES AND THE UNITED NATIONS:

- Continue to support anti-corruption and anti-impunity measures in Guatemala
- Hold the Guatemalan government accountable under Principle 9 of the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights

TO MEDIA ORGANIZATIONS:

- Ensure a clear separation between editorial and commercial departments so that journalists are free to investigate and report without fear of influence from special or powerful interests
- Sign on to and implement the principles put forward by the ACOS Alliance (A Culture of Safety Alliance) and provide appropriate security and hostile environment training for staff and freelance journalists, support them in the event of threats or attacks, and hold police accountable for thorough investigations

TO FACEBOOK AND TWITTER:

- Prevent platforms from manipulation for targeted campaigns that harass journalists, especially during elections



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