



PRESS RELEASE

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JOSÉ RUBÉN ZAMORA V. GUATEMALA: URGENT APPEAL FILED WITH UN SPECIAL RAPPORTEUR ON TORTURE

Today, Thursday 18th July 2024, an international legal team acting for award-winning Guatemalan journalist José Rubén Zamora and his son, José Carlos Zamora, have filed an urgent appeal with the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. José Rubén Zamora has been wrongfully and arbitrarily imprisoned for almost two years, since 29th July 2022. Today's urgent UN appeal details how the conditions in which he has been held amount to torture or other cruel, inhuman or degrading treatment; and asks that the UN Special Rapporteur take urgent action to protect Mr Zamora.

Background

José Rubén Zamora is a 67-year-old Guatemalan citizen, award-winning journalist and founder of the newspaper *elPeriódico*. He is the recipient of the 1995 Maria Moors Cabot Prize, the Committee to Protect Journalists' 1995 International Press Freedom Award, the 2003 International Journalism Award, and the Reporters Without Borders Press Freedom Prize for Impact in 2023. He was also named one of the International Press Institute's '50 World Press Freedom Heroes of the 20th Century' in 2000. Mr Zamora made his and his newspaper's name by exposing corruption amongst Guatemala's ruling classes. He has faced prosecutorial and judicial harassment as a result, for many decades, and he has been imprisoned continuously for almost two years.

On 29th July 2022, [Guatemalan police raided](#) the *elPeriódico* newsroom and Mr Zamora's home. Mr Zamora was arrested on spurious charges of money laundering, blackmail and 'influence peddling'. The newspaper's staff immediately [denounced](#) the actions as retaliation for its previous reporting on then President Alejandro Giammattei and Attorney General Consuelo Porras. The raid and arrest came only days after *elPeriódico* published information about cases of alleged corruption involving people close to the then President.

International condemnation was swift, with strong statements issued by specialist NGOs such as [CPJ](#) and [RSF](#) calling for the politicised charges to be dropped and for Mr Zamora to be released. In a [video](#) posted on social media on 30th July 2022, Mr Zamora stated that he was innocent and that he would begin a hunger strike in protest at his arrest.

Mr Zamora has been imprisoned since his arrest in July 2022. He has been targeted with multiple spurious criminal charges, resulting in three separate criminal proceedings. On 14th June 2023 he was convicted and sentenced to six years' imprisonment for money laundering; and he was acquitted of the blackmail and influence peddling charges. His conviction followed a trial which was plagued with irregularities and violations of Mr Zamora's right to due process and a fair trial, including by the rejection by the judge of the admission of exculpatory witness evidence crucial to the defence.

In October 2023, the Appeals Court annulled both his conviction (for money laundering) and his acquittals (for blackmail and influence peddling). The case was sent back to the High Court for trial, to begin after the evidentiary stage in proceedings. This means that original orders regarding the admission of evidence, excluding exculpatory evidence, will remain in place. Although scheduled for retrial in February 2024, the case has been plagued by delays.

Mr Zamora's release on conditional bail was ordered by Guatemala's Ninth Criminal Court on 15th May 2024, but that decision has since been overturned; and in any event Mr Zamora continues to await a decision to determine his application for bail in two other sets of proceedings.

Responses to Mr Zamora's Continued Detention

Mr Zamora's imprisonment has been widely condemned internationally, by press freedom and human rights groups, Parliamentarians and by UN experts. As well as press freedom groups condemning his 2023 conviction and sentence as "*legal persecution*", Mr Zamora's trial was monitored by the Clooney Foundation for Justice's TrialWatch initiative, resulted in a [TrialWatch Fairness report](#) assigning a 'Grade F' to the trial; and the American Bar Association [concluded](#) both that his trial was "*fundamentally unfair*" and that he should never have been prosecuted in the first place. The Inter-American Commission on Human Rights and the Inter-American Office of the Special Rapporteur on Freedom of Expression [urged](#) Guatemala to respect freedom of expression and freedom of the press, and to "*refrain from using punitive power to intimidate people who speak out critically against the Government*". Many human rights and press freedom groups have also highlighted that Mr Zamora was targeted alongside other journalists who previously worked for the newspaper, and that the July 2022 arrest coincided with the arrests of former anti-corruption judges, whilst other judges fled abroad.

Earlier this month, an opinion of the United Nations Working Group on Arbitrary Detention was [published](#), which held that Mr Zamora's ongoing detention is arbitrary and violates international law, and that he should be released immediately. The Working Group found that Mr Zamora's detention constitutes a violation of international law for discrimination based on his political position, as a reporter investigating corruption. This opinion followed a complaint filed with the Working Group by the Vance Center for International Justice, which has been working on the case alongside lawyers from King & Spalding and the Chilean law firm, Ciro Colombara.

Today's Urgent Appeal to the United Nations Special Rapporteur on Torture

Today's Urgent Appeal, filed by international counsel Caoilfhionn Gallagher KC and Tatyana Eatwell, documents multiple ways in which Mr Zamora has been subjected to torture or other inhuman or degrading treatment whilst imprisoned at Mariscal Zavala military barracks on the edge of Guatemala City. The Appeal states that, "*Mr Zamora has been detained in unsanitary conditions that pose a danger to his physical health and well-being*" and:

“Mr Zamora, who suffers from pre-existing health conditions including lumbar spine injuries, has suffered severe psychological and physical harm resulting from his detention in unsanitary conditions, including by the deliberate infestation of his cell with mites, direct threats, sleep deprivation, and other humiliating and degrading treatment. He has been assessed as suffering significant psychological consequences consistent with torture and ill treatment, that include “a profound sense of psychological and practical helplessness”, insomnia, night terrors, traumatic memories and other psychological conditions, resulting from deliberate degradation of him, attacks on his dignity, threats, isolation, and attempts to break his resistance and destroy his career.”

The Urgent Appeal is accompanied by an expert report recently prepared by Dr Carlos Martín Beristain, applying the Istanbul Protocol. Dr Beristain concluded that Mr Zamora was tortured and recommended that Mr Zamora be released from the prison environment that, compounded by his age, “*perpetuates the harm caused by his ill-treatment and aggravates his existing health conditions*”.

Six specific aspects of Mr Zamora’s prison conditions are highlighted in the Urgent Appeal as a clear violation of international legal standards, namely:

- (i) Solitary confinement and deprivation of light and water: the Appeal details how Mr Zamora was detained in solitary confinement and in almost constant darkness for 19 months, 23 hours a day. This has resulted in psychological harm and distress, and also in deterioration of his eyesight. He was detained for 15 days without water, and subjected to several three-day water cut outs, usually occurring in the run up to court hearings.
- (ii) Constant surveillance: during his imprisonment, Mr Zamora has been under constant surveillance of video cameras, with five positioned in the small yard outside of his cell and one facing his cell door, creating an environment of absolute control over him.
- (iii) Aggressive and humiliating treatment: the Appeal documents how, for the first 17 months of his imprisonment, until October 2023, Mr Zamora endured harsh, aggressive and humiliating treatment, including sleep deprivation, causing him to fear for his safety, and he was subjected to sadistic humiliation ceremonies by a warden who was particularly hostile towards him.
- (iv) Unnecessary use of restraints when transferred to and from court hearings: the Appeal documents unnecessary and humiliating use of handcuffs, restraining Mr Zamora’s hands behind his back, for periods of between eight and eleven hours at a time.
- (v) Deliberate infestation of his cell: for at least six months, Mr Zamora’s cell was infested with mites and not fumigated, resulting in him suffering from multiple lesions as a result of mite bites. With reliance on Dr Beristain’s expert report, the Appeal explains that there are reasonable grounds to believe that the infestation was deliberate.
- (vi) Exacerbation of underlying health conditions due to prolonged exposure to unsanitary conditions: the Appeal also explains how the combination of the unsanitary conditions in which Mr Zamora is detained, and his limited access to medical care, have

exacerbated underlying health problems which he suffers, resulting in serious and significant decline in his health and well-being.

Speaking today, Mr Zamora's son, **Mr José Carlos Zamora**, welcomed the filing of this Urgent Appeal, and stated:

“My father has been arbitrarily detained for over 700 days, facing inhumane treatment documented by an independent expert. Despite this, Guatemalan authorities refuse to release him and drop the spurious charges.

Our international legal team has filed an urgent appeal with the UN Special Rapporteur on Torture to protect my father and secure his release. The world is watching — Guatemala must end this political persecution and release him.”

International counsel for Mr José Rubén Zamora and his son, Mr José Carlos Zamora, **Ms Caoilfhionn Gallagher KC**, added:

“José Rubén Zamora has spent almost two years in prison as retaliation for his groundbreaking and fearless journalism. It is now also clear that for two years he has endured horrific, inhumane treatment in prison, including prolonged solitary confinement, sleep deprivation, and sadistic humiliation rituals. Guatemala is in clear violation of its obligations under international law. The international community must now hold the Guatemalan authorities to account, and take robust and speedy action to protect Mr Zamora's physical and mental well-being, and secure his freedom.”

*** ENDS ***

Notes to Editors:

1. Further information about the campaign to free José Rubén Zamora can be found on social media using the hashtags #ZamoraLibre, #FreeZamora and #FreeJRZ; or by following his son at @jczamora (X).
2. Any press queries for international counsel in this matter should be directed to c.gallagher@doughtystreet.co.uk and t.eatwell@doughtystreet.co.uk.



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