

**Conclusions of the Hemisphere Conference on Unpunished Crimes Against Journalists
Guatemala City, Guatemala
July 30 – August 1, 1997**

WE CONDEMN, WE DEMAND

DECLARATION OF REPUDIATION

THE HEMISPHERE CONFERENCE ON UNPUNISHED CRIMES AGAINST JOURNALISTS, called into session by the Inter American Press Association to review the serious consequences that this situation implies for freedom of expression in all its manifestations, such as freedom of the press and the right to information, and for society and democracy, declares that:

WHEREAS the right to life and to personal freedom and well-being, to reliance on personal safety and protection under the law, as well as freedom of expression are fundamental rights of persons recognized and guaranteed by international conventions and instruments;

WHEREAS freedom of expression is a fundamental right of all persons and is the prerequisite and guarantee of all other rights and freedoms in a democracy;

WHEREAS the Declaration of Chapultepec, paragraph 4, states that "freedom of expression and of the press are severely limited by murder, kidnapping, pressure, intimidation, the unjust imprisonment of journalists, the destruction of facilities, violence of any kind and impunity for perpetrators; such acts must be investigated promptly and punished harshly";

WHEREAS in the last 10 years 173 journalists were murdered in the Americas for practicing their profession and the majority of these crimes remain unpunished;

WHEREAS this fact has been proved by the IAPA in investigations conducted in Colombia, Guatemala and Mexico and by special missions carried out in other countries of the Americas, such as in the case of Argentina, and the responsibility by commission or omission of the authorities in failing to solve these crimes has been demonstrated;

WHEREAS this situation of impunity is the result of negligent, deceitful or complacent conduct on the part of public officials;

WHEREAS the murder of journalists goes beyond the taking of their lives, it presupposes deprivation of freedom of expression with all that this implies in the restriction of freedoms and rights of society as a whole

The Hemisphere Conference resolves:

TO REPUDIATE the murder of and all physical violence directed against journalists as one of the greatest crimes against society, in that it restricts freedom of expression and, as a result, all other rights and freedoms;

TO REPUDIATE acts of commission or omission by those who have the responsibility to investigate and mete out punishment for those crimes but fail to do so, allowing the guilty to go unpunished, thus making the matter even more serious;

TO DEMAND that the authorities carry out their duty to prevent, investigate and mete out punishment for these crimes and to make good for their consequences.

WHAT WE MUST DO

INSTITUTIONAL ACTION PLAN

THE REPRESENTATIVES OF ORGANIZATIONS dedicated to the defense of press freedom propose this Institutional Action Plan, within the framework of the Hemisphere Conference on Unpunished Crimes Against Journalists, organized by the Inter American Press Association.

We pledge:

1. To recognize the importance of the Recommendations to Governments of the Hemisphere Conference on Unpunished Crimes Against Journalists and in accordance with them to take specific joint actions to solve the unpunished crimes against journalists.
2. To encourage the dispatch of multi-organization investigative missions to the countries concerned, so that the authorities may guarantee the safety of journalists and conduct investigations and legal proceedings without delay.
3. To coordinate widespread publicity campaigns on unpunished crimes against journalists and other acts of violence to bring about news coverage of all violations of press freedom.
4. To encourage journalism schools and mass communication departments to include in their curricula studies of the terrible impact that crimes against journalists, and their going unpunished, have on democratic societies. In addition, to promote the inclusion in the curricula of subjects or specific courses on press freedom and to coordinate activities among press associations, news media and journalism schools.
5. To recommend to the participating organizations that they study ways of funding legal actions and investigations so that crimes against journalists do not go unpunished.
6. To intensify and promote the exchange of information and objectives among organizations dedicated to the protection, defense and promotion of press freedom, making the issue of lack of punishment in the murder of journalists a priority;
7. To circulate this document to other institutions dedicated to the defense, protection and promotion of human rights, freedom of expression and press freedom around the world and, in this way, to begin to encourage working commitments.
8. To create a multi-organizational group with the aim of putting the Institutional Action Plan into effect with the collaboration of the Inter American Press Association.

International Press Institute (IPI); Reporters Without Borders (RSF); Committee to Protect Journalists (CPJ); World Association of Newspapers (FIEJ); The Freedom Forum; Canadian Committee to Protect Journalists (CCPJ); International Federation of Journalists (FIP); World Press Freedom Committee (WPFC); International Association of Broadcasting (IBA); P.E.N. International; Argentine Newspaper Association (ADEPA); International Center for Journalists

Knight International Press Fellowships ;Guatemalan Journalists Association (APG); Journalists Human Rights Office, Peru; Argentine Inland Newspaper Association (ADIRA); Inter American Press Association (IAPA)

THE GUILTY MUST BE BROUGHT TO JUSTICE

RECOMMENDATIONS TO COMBAT THE GUILTY GOING UNPUNISHED

THE HEMISPHERE CONFERENCE ON UNPUNISHED CRIMES AGAINST JOURNALISTS makes the following recommendations to combat the impunity that surrounds crimes against journalists.

1. To urge national congresses to adopt the principle of not permitting the statute of limitations to expire on crimes against the person when they are perpetrated to impede the exercise of freedom of information and expression or when intended to obstruct justice. Also to urge the prohibition of amnesties or pardons of those responsible for these crimes.
2. To urge the national congresses to improve legislation to provide for the trial and conviction of the masterminds of murders of those who exercise the right to freedom of expression.
3. To encourage constitutional reforms or interpretations to set forth that the laws and regulations governing states of exception (state of siege) not permit or authorize restrictions or limitations on news coverage and press freedom.
4. To enact in those countries where necessary laws prohibiting trial by military or special tribunals of those accused of crimes against journalists while carrying out their work.

On Specific Cases

With respect to the specific cases that the Inter American Press Association has investigated in its Unpunished Crimes Against Journalists project and which were presented in this Hemisphere Conference, it is recommended:

5. To ask the governments of Colombia, Guatemala and Mexico to give the necessary cooperation to the Inter-American Human Rights Commission which, at the request of the IAPA, has agreed to take up the investigation and corresponding legal proceedings in the following cases: Víctor Manuel Oropeza (Case No.11.740); Guillermo Cano Isaza (Case No.11.728); Carlos Lajud Catalán (Case No.11.731); Héctor Félix Miranda (File No.11.739); Irma Flaquer Azurdia (File No.11.766); as well as the case of Jorge Carpio Nicolle (File No.11.333), which the commission had already begun before the IAPA's investigation.

COLOMBIA

6. To call upon the national attorney general's office to review the investigation of the murder of Guillermo Cano Isaza and the legal findings in the case in order to document possible connections among the actual perpetrators of this crime and the murder of Giraldo Galvis, the Cano family's lawyer, and the irregularities in the investigations and verdicts.

7. To urge the attorney general's office to change the venue of the new investigations of the Lajud Catalán case to a court based in Bogotá and to look into why the investigation during the past three years has not included those suspected of masterminding the crime.

8. To call upon the attorney general's office to investigate the death threats made to relatives of Lajud Catalán and to provide them due protection and that it extend the investigations into corruption in the signing of municipal contracts related to the crime and the possible involvement of former government officials.

GUATEMALA

9. To insist to the president of Guatemala that he demand that the Public Ministry hold an exhaustive investigation to determine the actual perpetrators and the masterminds of the murder of Jorge Carpio Nicolle and fulfill the obligation of guaranteeing the security of the investigators, plaintiffs, prosecution witnesses and judges.

10. To ask the president of Guatemala to encourage a thorough official investigation to determine the whereabouts of Irma Flaquer and to have the attorney general intervene to begin legal proceedings against those who may be responsible for Flaquer's forced disappearance, a crime whose statute of limitation should not expire under international law and the recent Law of National Reconciliation.

11. To urge the Human Rights Office to appoint officials to investigate, in particular, the violent death or disappearance of journalists Jorge Carpio Nicolle and Irma Flaquer Azurdia; that it be a party in the respective proceedings, supervising strict compliance with the law in those proceedings.

12. To urge the Commission For Historical Clarification to conduct a special investigation into the violent death of journalists in the past 35 years, establishing at what stage the respective legal proceedings currently are, urging their possible prosecution and closure.

MEXICO

13. To insist to the Chihuahua State governor that he order the state attorney general to have the Víctor Manuel Oropeza case taken up again, act on the information provided by the IAPA in its report and ask the National Human Rights Commission to provide a copy of all the documents in its files.

14. To urge, given the fact that the Oropeza murder is about to expire under Mexico's statute of limitations amid a widespread and suspicious silence, that the president of Mexico be asked to head a social movement to prevent those guilty of this murder going totally unpunished because of the said statute of limitations.

15. To ask the governor of Baja California State to order the state attorney general to reactivate, as pledged to the IAPA, the investigations into the Héctor Félix Miranda case and bring about the arrest of the mastermind behind the crime.

16. To urge all the governments of the hemisphere to order the immediate reopening of investigations into the cases of the murder of journalists that remains unsolved or have been closed as lacking legal merit.

On The Institutions

17. To urge the Organization of American States (OAS), through its secretary general, to include the issue of unpunished crimes against journalists on its agenda of hemisphere topics and also to include it as a topic at its next General Assembly.
18. To urge the United Nations Commission on Human Rights to name a special rapporteur to look into repeated violations against journalists and to follow up on the investigations into those homicides.
19. To ask UNESCO to require that data be included in its annual reports on crimes against journalists and the guilty going unpunished, and that all cases be pursued until they are solved.
20. To urge that unpunished crimes against journalists be an item on the agenda for commemoration by UNESCO, together with other international organizations, of World Press Freedom Day on May 3 each year, and that this opportunity be taken to demand that member states solve these cases.
21. To suggest to UNESCO that it include the issue of unpunished crimes against journalists on its agenda for 1999, currently under consideration for declaration as "The International Year of Peace Culture."
22. To urge the Inter-American Human Rights Court to resolve those matters that have been brought before it concerning freedom of expression and crimes committed against journalists during the course of their work, creating case-law on the issue of freedom of expression, the right of people to information and the safety of journalists.
23. To request that the Inter-American Commission on Human Rights include as a subject for review in its on-site visits and in its general country-by-country reports the issue of press freedom and the question of the safety of journalists.
24. To urge governments in the Americas to provide for the necessary resources so the Inter-American Commission on Human Rights can exercise its function of protecting human rights, specifically the processing of individual cases concerning the murder of journalists, and to require that the American states provide the Inter-American Human Rights Commission with all relevant information in their possession concerning cases of murders of journalists within the legal time frames required.
25. To ask the Inter-American Commission on Human Rights to create a special rapporteur for freedom of expression and the situation of journalists and ask that it prepare a special report on these subjects, updating it periodically.
26. To recommend to multilateral and bilateral institutions of international cooperation and financial assistance that they require from recipient countries as a specific condition of eligibility full respect for freedom of expression and effective protection of the exercise of press freedom, also to recommend to these institutions that the murder of journalists and those responsible going free are cause for revision, suspension or revocation of such cooperation.