



August 13, 2009

Dr. José Amílcar Velásquez Zárate
Attorney General and Head of the Public Prosecutor's Office
Fiscal General de la Republica y Jefe del Ministerio Publico
15 Avenida 15-16, 8o Nivel
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Ciudad de Guatemala, GUATEMALA

Dear Attorney General Velásquez:

Support Raul Arturo Figueroa Sarti's Appeal against Copyright Infringement

We, the below-signed 1,555 individuals, join Human Rights First in writing to express our concern about the conviction of Raul Figueroa Sarti for copyright infringement. On August 6, 2009, the Seventh Criminal Court for Narcotrafficking and Environmental Crimes convicted, fined and sentenced Figueroa to one year in prison (commutable by paying an additional fine) (Sentence No C-G-5499-2008 Of 1ro). We urge you to support his appeal against this conviction, which we fear is baseless.

Figueroa is a well-known, human rights-focused publisher in Guatemala and is the founder and editor-in-chief of F&G Editors. He has published dozens of groundbreaking human rights texts, including the final report of the UN-backed truth commission which investigated Guatemala's internal armed conflict and concluded that genocide had occurred. His publications examine sensitive and important human rights issues that are not frequently covered in mainstream Guatemalan media outlets.

In 2006, Mardo Arturo Escobar, an officer in Guatemala's Fourth Court of Criminal Sentencing, approached Figueroa to see if F&G Editors would publish some of his photos. According to his own testimony, he authorized Figueroa to use one of his photos for the cover of a book being published by F&G entitled, *Cualquier Forma de Morir*. In November 2006, the book was published, crediting Escobar for the photo. Escobar also received copies of the book and visited the F&G offices to have a copy of the book signed by the author. During his visit Escobar reportedly expressed his appreciation for the publication of the photo. Nearly one year later, in August 2007, Escobar filed a criminal complaint for copyright infringement alleging that Figueroa had published the photo without his authorization.

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We are concerned that Figueroa has been convicted for copyright infringement when there appears to have been ample exculpatory evidence, including reported authorization given by Escobar and appropriate accreditation for the photo. It is vitally important that journalists, such as Figueroa, not be subjected to unjust prosecutions and be allowed to continue their important work exposing human rights violations. In her recent mission to Guatemala, the UN Special Representative on Human Rights Defenders, stated that the work “of investigative journalism remains highly dangerous.”¹ Journalists who promote human rights are subject to death threats, attacks and assassinations. The Guatemalan legal system should be a source of protection for journalists, such as Figueroa, by upholding due process standards.

We urge the Prosecutor for Intellectual Property Offences to support Figueroa’s appeal and to seek an acquittal of his conviction by focusing on the substantial exculpatory evidence. We also urge you to support Figueroa’s request to leave Guatemala temporarily in order to visit his wife and child in the United States.

Thank you for your attention in this urgent matter. We will continue to closely monitor this situation.

Sincerely,

(The names of the 1,555 signatories have been removed for privacy reasons.)

¹ Hina Jilani, *Report of the Special Representative of the Secretary General on the situation of Human Rights Defenders: Mission to Guatemala*, (16 February 2009) UN doc A/HRC/10/12/Add.3, para 43.