

Lima, Monday August 16<sup>th</sup>, 2021

Mrs.

Irene Khan

**Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression  
United Nations**

We, the undersigned, are pleased to address you to express our warmest greetings and at the same time our deepest concern for the events that have been occurring in Peru against freedom of expression as a result of the new government, led by President Pedro Castillo.

Although it may seem an unlikely situation, we have observed, since the first days of President Castillo's Government, situations that in our opinion merit special attention from **the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**. The first situation occurred when he refused to respect Peruvian law and the president decided not to dispatch from the Government Palace, the official headquarters<sup>1</sup>. What at first sight it does not seem to be a major situation, it got worse when it became known that there was no record of his meetings or his official agenda this way. This has seriously affected the freedom of information and the principle of transparency according to Article 16 of Law No. 28024, among other provisions. Another worrying situation is that the government has prevented the non-government press from accessing official acts. On July 29, 2021, journalists were not allowed to enter the swearing in of Pedro Castillo's cabinet<sup>2</sup>. The only ones authorized to enter the premises were the journalists of the state channel, TV Peru. On August 5, 2021, the same thing happened when the press could not enter the Government Palace to cover the official ceremony in which President Pedro Castillo was recognized as supreme chief of the Armed Forces and the National Police of Peru<sup>3</sup>. The Presidency of the Republic informed that this ceremony would only be broadcasted by the State channel.

On the other hand, there have also been constant attacks on the press coming from the new president of the Council of Ministers, Mr. Guido Bellido, seeking to discredit it. Since his first interview in a foreign media<sup>4</sup>, after taking office, Bellido has told the press how to do their job and has used phrases such as "dealing with only one subject and with a perverse orientation" and "they want to bring down democratic decisions" to refer to journalistic programs that have been critical of Pedro Castillo and his party, Peru Libre. In his first press conference<sup>5</sup> and when asked about the conformation of the cabinet of which he is a member, Bellido expressed that news based on gossip and assumptions should not be made. Then, he mentioned that he had never perceived so much questioning from the press, that they should let the Executive Power work and that they should not have an obstructionist attitude. Finally, in a recent interview in a Peruvian TV channel<sup>6</sup>, he criticized again the press, especially a journalist from Willax TV; and said that "that kind of press attacks people, not us, because who speaks, before coming. Peru feels attacked when journalists attack by telling only lies".

These attacks on the press have been going on since long before Pedro Castillo was declared the winner of the elections by the Peruvian electoral authorities and have continued after taking office as President. It is worth remembering that before taking office, Pedro Castillo sent a letter to the Minister of Transportation and Communications (MTC) stating that a television channel (Willax TV) had violated his right to honor and good reputation. The letter showed that, if responsibility was found, the MTC should sanction them administratively and sue them civilly and criminally before the Judiciary<sup>7</sup>, which was rejected even by the Peruvian Press Council (CPP). Before Castillo's taking office as president, there was also another event that pursued the television channel Willax TV: the prosecutor's office opened an investigation against two journalists for alleged

<sup>1</sup> Caretas. Pedro Castillo breaks the law by not dispatching from the Government Palace. Published on 31/7/2021. Available at: <https://caretas.pe/politica/pedro-castillo-incumple-la-ley-al-no-despachar-desde-palacio-de-gobierno/>

<sup>2</sup> Press and Society Institute. IPYS protests the restrictions imposed on the press to cover the swearing in of the ministerial cabinet. Published on 7/29/2021. Available at: <https://www.ipys.org/public/index.php/libertad-de-expresion/alertas/el-ipys-protesta-por-las-restricciones-impuestas-a-la-prensa-para-cubrir-la-juramentacion-del-gabinete-ministerial>

<sup>3</sup> Press and Society Institute. Peru: press prevented from entering official ceremony at Government Palace. Published on 5/8/2021. Available in: <https://www.ipys.org/public/index.php/libertad-de-expresion/alertas/peru-impiden-ingreso-de-la-prensa-a-ceremonia-oficial-en-palacio-de-gobierno>

<sup>4</sup> Biz Republic. Guido Bellido, President of the Council of Ministers of Peru, in an exclusive interview. Published on 3/8/2021. Available at: <https://bizrepublic.com/entrevista-belli>

<sup>5</sup> Facebook: Ojo Público. LIVE - Guido Bellido gives press conference. Published on 4/5/2021. Available at: <https://fb.watch/7bQ5maYovQ/>

<sup>6</sup> LP. Interview with Prime Minister Guido Bellido. Published on 8/8/21. Available at: [https://www.facebook.com/watch/live/?v=1254786888276636&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=1254786888276636&ref=watch_permalink)

<sup>7</sup> IPYS. IPYS questions letter against Willax signed by presidential candidate. Published on 12/7/21. Available at: <https://ipys.org/libertad-de-expresion/alertas/el-ipys-cuestiona-carta-contrawillax-firmada-por-candidato-presidencial?fbclid=IwAR2tuDFULFq5Xen5H0BRQ2GkIFxtDgiY3cV3NeUa0rhPXR5HudGGQOibxNA/>

sedition<sup>8</sup>, a crime committed by those who take up arms against a government to impede its operation, after a complaint by lawyers close to the governing party. One of them even participated in the Commission for the transfer of the current Ministry of Justice.

This being so, the Ombudsman's Office has questioned the limitations to the rights of freedom of the press and information by Castillo's government<sup>9</sup>. Also, the Press and Society Institute (IPYS) has rejected these intimidations and the political pressures against the Willax TV channel, urging not to promote the control of journalistic contents from the state power. After the second round and before the results were announced, the Peruvian Press Council also expressed their concern about the position of Pedro Castillo's party regarding freedom of expression, press and information<sup>10</sup>. The political groups of the opposition parties Avanza País, Acción Popular, Renovación Popular and Alianza para el Congreso have rejected the press restrictions coming from Pedro Castillo's government to official events and the attacks to the media<sup>11</sup>.

At the closing of this letter, the journalists are facing a new complaint. The Prosecutor's Office opened a preliminary investigation against the journalists of Willax TV and the owner of the channel for allegedly omitting the crimes of fraudulent misrepresentation, financial panic, slanderous denunciation and concealment of documents<sup>12</sup>. The complaint was filed by the current Minister of Defense, Walter Ayala<sup>13</sup>.

These facts that raise concern are made considering the importance of freedom of expression for a life in democracy, which is recognized as a right in Article 2 of the Political Constitution of Peru. It is also protected in Article 13 of the American Convention on Human Rights, Article 19 of the International Covenant on Civil and Political Rights, and Article 19 of the Universal Declaration of Human Rights. However, this right is being violated by the current Peruvian Government.

For all of the above, we are sending this letter so that you may become aware of, register and pay attention to these facts. We kindly request the possibility of a meeting with you.

For the purpose of any communication, we would appreciate being notified through the Instituto Político para la Libertad Perú.

The following civil society organizations and citizens subscribe this document:

Organizations:

Instituto Político para la Libertad Perú

Diario El Gobierno

Movimiento Respeto

Regulación Racional

Instituto Libertad y Respeto – LibRes

Citizens: Yesenia Alvarez, Juan Pablo Bernal, Maria Cecilia Villegas, Oscar Sumar, Juan José García, Jenny Vento, Lucas Gherzi, Rodrigo Olano, Bruno Schaaf, Jonathan Zerpa, Rita Pollarolo, Luciano Picardo, Carlos Solorzano, Yashac Palacios, Carlos Rodriguez, Sebastián Araya, Cesar Medina, Eduardo Herrera, Diego Ato, Santiago Bedoya, César Combina Salvatierra and Walter Palomino.

<sup>8</sup> IPYS. Peru: Prosecutor improperly opens sedition investigation against Willax TV journalists. Published on 19/7/21. Available at: <https://www.ipys.org/public/index.php/libertad-de-expresion/alertas/peru-fiscal-abre-indebidamente-investigacion-por-sedicion-a-periodistas-de-willax-tv>

<sup>9</sup> Ombudsman's Office. News release No. 022/DP/2021. Government must cease all acts that limit freedom of the press. Published on 8/8/21. Available at: <https://www.defensoria.gob.pe/wp-content/uploads/2021/08/22-Comunicado-docx.pdf>

<sup>10</sup> Peruvian Press Council. CPP is concerned about Perú Libre's position on press freedom. Published on 6/7/21. Available at: <http://consejoprensaperuana.org.pe/comunicado/el-cpp-muestra-su-preocupacion-por-la-posicion-de-peru-libre-sobre-libertad-de-prensa/>

<sup>11</sup> Twitter @adrianatudelag. Posted 10/8/21. Available at: <https://twitter.com/adrianatudelag/status/1425118742451826693/photo/1>

<sup>12</sup> "Gestión". Prosecutor's Office opens investigation against journalists and owner of Willax TV. Published on 18/8/21. Available at: <https://gestion.pe/peru/fiscalia-abre-investigacion-contra-periodistas-y-dueno-de-willax-tv-walter-ayala-fuerza-popular-noticia/>

<sup>13</sup> EC Newsroom. Prosecutor's Office opens preliminary investigation against journalists Beto Ortiz, Claudia Toro and owner of Willax TV. Published on 18/8/21. Available at: <https://elcomercio.pe/lima/sucesos/fiscalia-abre-investigacion-preliminar-contra-periodistas-beto-ortiz-claudia-toro-y-dueno-de-willax-tv-walter-ayala-nndc-noticia/>

