

November 2022

CARLOS CHOC CHUB, (Prensa Comunitaria), Guatemala

Journalist criminalised for documenting human rights abuses and environmental damage

- ❖ Carlos Ernesto Choc Chub is a Guatemalan journalist who is known for his investigations into corruption and human rights violations by companies and the government. Documenting environmental damage by the mining industry is particularly perilous.
- ❖ In 2017 a group of fishermen from an indigenous community in Guatemala demanded to know more about the environmental impact of a ferronickel mine. One of them was killed and Carlos Choc was criminalized for covering the story.
- ❖ The attacks against Choc have been denounced by the international community as an attempt to discredit and undermine his status as a community journalist, to intimidate him and make him stop reporting on the human rights and environmental situation in El Estor
- ❖ The criminalisation of Carlos Choc is emblematic of the risk that journalists in Guatemala face when taking on powerful interests in business or government. Journalists who investigate or criticize acts of corruption and human rights violations frequently face harassment campaigns and criminal prosecution.

Over the last 17 years Carlos Ernesto Choc Chub, an indigenous Maya Q'eqchi community journalist, has been repeatedly persecuted for carrying out his work, suffering threats and criminal accusations due to his investigative work focused on transnational mining companies. Choc's investigations into the Fénix ferronickel mine in his hometown El Estor for the news website Prensa Comunitaria triggered a litany of attacks against him including threats, digital attacks and judicial harassment.

Criminalised for exposing business and human rights abuses

On 27 May 2017, Choc was reporting on a protest where local indigenous fishermen were demanding an environmental study after a giant red slick appeared on Lake Izabal, Guatemala's largest lake, that they attributed to the Fénix ferronickel mine. [Choc photographed the exact moment when a protesting fisherman was shot dead](#) by State security agents.

"I was right in the middle, the riot police on one side, the people on the other," Choc said. "The shots passed very close, even whistled past. I had to throw myself to the ground. But I tried to document, I tried to take photos, to take videos."

The police immediately held a press conference and denied that anyone had died during the protest. That evening the threats began via anonymous phone calls and within weeks, arrest warrants had been issued against Choc and his colleague Jerson Xitumul. In August 2017, Choc was charged with incitement to commit crimes, unlawful protests, and

illegal detention during protests, and was subsequently forced into hiding for several months for his safety. Jerson was arrested in October 2017 and jailed for a month in one of the most dangerous prisons in Guatemala before being placed under house arrest. On the advice of his lawyers Choc presented himself before a judge, voluntarily, in February 2018. He remains under "substitute measures" stemming from that case, which require him to sign a book at authorities' offices once a month.

In April 2020 an unidentified individual [broke into Choc's home](#) in El Estor, Izabal department, and stole his work equipment, including a camera and two mobile phones but did not take any money or anything else.

In October 2021 Choc went back to El Estor to cover the protests of Indigenous communities against President Alejandro Giammattei and the Guatemalan Nickel Company (CGN). Once again Choc photographed the Guatemalan security forces brutally repressing the villagers, who were blocking the road in an attempt to uphold the Constitutional Court order to close the mine due to irregularities in its exploitation license. Following Choc's coverage of the protests the police agents claimed to have been physically attacked and filed charges against him for "incitement to commit a crime". During 2022 Choc was unable to carry out his journalistic work instead having to fight a drawn out and regularly postponed criminal proceeding. Finally, in September 2022 he was [declared innocent](#) with the court having found no evidence substantiating the accusations.

The attacks against Choc have been [denounced by the international community](#) as an attempt to discredit and undermine his status as a community journalist, to intimidate him and make him stop reporting on the human rights and environmental situation in El Estor

Press freedom under attack in a shrinking space for rights

The criminalisation of Carlos Choc is emblematic of the risk that journalists in Guatemala face when taking on powerful interests in business or government.

According to Reporters Without Borders, [Guatemala ranks 116th in the 2021 World Press Freedom Index](#). Endemic violence, organized crime, corruption and impunity make reporting in the country extremely difficult. The RSF report highlights that journalists who investigate or criticize acts of corruption and human rights violations frequently suffer aggression in the form of harassment campaigns and criminal prosecution.

Organizations such as [Human Rights Watch and the Committee to Protect Journalists \(CPJ\)](#) warned in a 2021 statement that President Alejandro Giammattei has been attacking the press with "bellicose rhetoric and false accusations" since the beginning of his term in January 2020. The organizations also highlighted that the government has restricted access to public information, which has worsened in the context of the pandemic.

The implementation of the repressive "NGO Law" in Guatemala was condemned by [several international bodies](#), including the [Inter-American Commission on Human Rights](#). These legislative measures give the government extensive control of these organizations, including press freedom groups and community media organizations like Prensa Comunitaria. The law makes it possible for the State, through a unilateral decision, to shut down an NGO when it considers that the organization "violated public order."

Business and Human Rights

In 2019 a consortium of international journalists including the Guardian launched the [Forbidden Stories Project](#) a project designed to finish work begun by journalists who had been shut down. Their investigation that took up where Choc had left revealed bribery of local police and decision-makers, paying off local leaders, human rights violations, environmental damage, as well as repression of community dissent, human rights defenders and journalists all connected to the [Fenix nickel mine in el Estor](#).

Local communities and supportive NGOs won a major victory in 2019 when their case went to the constitutional court. The court found that the license under which the mine was operating [failed to consult Indigenous communities](#) and ordered that the license be suspended until a consultation takes place. Despite this ruling the mine continued to operate illegally. In February 2021 the mine and the Guatemalan government carried out a consultation process with local leaders before reopening. But indigenous Guatemalans say that this process has been biased.

Following protests from local communities blocking mining vehicles. On October 24 2021, President of Guatemala, Alejandro Giammattei, declared a State of Siege in El Estor for 30 days, imposing a curfew and suspending civil rights,

permitting detention without a judge's warrant. In January 2022 Guatemala's energy and mines (MEM) minister Alberto Pimentel signed a resolution allowing Solway Investment Group to restart mining at its Fénix nickel operation.

The Fenix project, which has existed since the 1960s currently consists of mountaintop mining carried out by CGN and a lakeside processing plant operated by Pronico, both companies owned by Solway Investment Group. [Solway was widely acknowledged to be a Russian company](#). It is now based out of Zug, a known tax haven in Switzerland, and maintains it has no Russian ownership. The mine sells the alloy of iron and nickel internationally to various steel manufacturing companies.

Support from PBI

Journalists and human rights defenders in Guatemala are regularly threatened, attacked, smeared and imprisoned just for taking a stand. The PBI Guatemala team of international observers has provided protection and security support to local organisations and communities since 1981. Through international observation, protection capacity building and advocacy with authorities to ensure local defenders can safely and effectively promote rights and protect the environment. In the UK, PBI supports this work through advocacy, fundraising, and matching UK-based capacity and support with the needs of defenders on the ground.

RECOMMENDATIONS

Strengthen UK Policy on Human Rights Defenders

In the [2019 policy document 'UK Support for Human Rights Defenders'](#), the UK acknowledges the fundamental role HRDs play in the realisation of human rights, gender equality, democratic spaces, and access to justice and peace, all key elements of the UK's foreign policy objectives. This policy document identifies practical support measures, and provides guidance for UK embassies. However implementation is sporadic and under-resourced.

The UK government should provide greater support and protection for Human Rights Defenders, prioritising defenders by developing a strategy to support them which is adequately funded, cross-departmental and gender-responsive, as laid out in our report '[On the Human Rights Frontline](#)'.

The FCDO is currently developing a Civic Space Strategy. This is an opportunity for the Government to address current shortcoming with the implementation of the 2019 policy on HRDs, and to situate that in a broad, preventative approach to the threats facing activists. However, civil society organisations have not yet been consulted on its content. We urge the FCDO to hold roundtables with those of us who work to support defenders at risk and who inputted into the 2019 policy as soon as possible, to discuss the proposed strategy.

Adopt UK Mandatory Human rights Due Diligence Law

The attacks and criminalisation that Carlos Choc and the communities he supports face is emblematic of the situation journalists, human rights defenders and local communities face across the world in the context of irresponsible and aggressive corporate behaviour. That's why it's so important for real protections to be afforded to those on the frontline of this ecological and humanitarian catastrophe and for companies ensuring their operations do not cause harm.

The case of the Fénix mine is an example of how voluntary regulations for conducting supply chain due diligence are not enough. In order to give these due diligence checks a legal obligation and a substantive framework, a UK failure to prevent law is necessary.

The leaked data from [journalist investigations](#) shows that ferronickel from the Fenix mine [enters the supply chains](#) of european steel manufacturers. One example being [Finnish steel company Outokumpu](#), who until recently produced steel with nickel from Fénix, Outokumpu was the owner of a [steel Rod and Bar mill](#) in Sheffield, UK. Demonstrating just one way in which the Solway Group potentially acts as an indirect supplier for supply chains in the UK. The privately owned company is controlled by a family trust whose ownership structure is obscured by an [offshore network](#) that includes the British Virgin Islands. The family has several ties to the UK. Daniel Bronstein, CEO of Solway Investment Group, who graduated from Birmingham University and has worked in London, while his father owns a large mansion overlooking Hampstead Heath.

A new UK Failure to Prevent law (known as the [Business, Human Rights and Environment Act](#)) would build on proposed amendments to the Environment Bill and on the Modern Slavery Act's Transparency in Supply Chains requirement. It would provide a stronger, overarching approach to ensure transparency and tackle irresponsible business conduct across all human rights and environmental risks, that would complement and go beyond sectoral or issue-specific approaches. Big name companies, investors worth trillions, consumers and campaigners are [all united in their support for the proposed Act](#). It is time for the Government and opposition parties to back it too.

New mandatory due diligence legislation can contribute to preventing the kinds of attacks and criminalisation faced by indigenous communities in el Estor and journalists like Carlos Choc through ensuring certainty about the standards expected from businesses, clarifying legal consequences when those standards are not met, and increasing engagement and leverage with value chain partners.

Support the work of Carlos Choc, journalists at risk and human rights defenders in Guatemala

The UK Government should

- Ensure Embassy staff visit the offices of Prensa Comunitaria in Guatemala City and meet with members of the organisation and discuss what else they can do to apply the UK's 2019 policy on HRDs to journalists at risk in the country.
- Express public support for journalists at risk in Guatemala including community journalists.

UK Parliamentarians

MPs can provide invaluable support to Carlos Choc and journalists at risk in Guatemala through actions including tabling parliamentary questions. Some suggested PQs:

- To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, whether he has had discussions with his Guatemalan counterpart on attacks on press freedom in the country.
- To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, how his Department is supporting human rights defenders and journalists at risk in Guatemala.
- To ask His Majesty's Government what steps they are taking to ensure that UK companies operating in Guatemala support indigenous peoples, and local communities.
- To ask how the FCDO is improving global support for human rights defenders and civic space.

Peace Brigades International UK - Promoting non-violence and human rights since 1981

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