

[Guatemala | Indigenous human rights defender Daniel Pascual acquitted in criminal case that sought to silence him](#)

27.03.2020

Following a seven year legal battle, the Guatemalan Criminal Court acquitted Pascual and recognised that the defense of human rights should not be criminalised.



Para leer este artículo en español, haga click [aquí](#).

In 2013, [Maya K'iche](#) human rights defender Daniel Pascual spoke out publicly against the widespread attacks against, and intimidation of, those defending the right to land in Guatemala. In doing so, he denounced attempts by Ricardo Méndez Ruiz, founder of the [Foundation against Terrorism](#), an organisation aimed at promoting a pro-military perspective of Guatemala's violent history,¹ to discredit and undermine his work defending land rights as the Coordinator for the grassroots organisation [Comité de Unidad Campesina](#) (CUC).

In response, Ruiz pressed charges against Pascual. Since then, Pascual has been fighting criminal charges of libel, defamation and slander that sought to silence his advocacy. On 21 February 2020, the Criminal Court finally [acquitted](#) Pascual.

In 2016, the Guatemalan Constitutional Court issued an [interim injunction](#) that temporarily suspended the criminal proceedings. When Ruiz appealed the injunction, ISHR filed an [intervention](#) that urged the Constitutional Court to consider Pascual's case within the context of:

- The widespread criminalisation of human rights defenders in Guatemala; and
- The State's obligation to protect human rights defenders under the [American Convention on Human Rights](#) and the [International Covenant on Civil and Political Rights](#) (CCPR), as clarified by the [UN Declaration on Human Rights Defenders](#).

The Constitutional Court ultimately dropped the suspension, allowing criminal proceedings against Pascual to resume. However, in a welcome move, the Criminal Court stressed it was crucial that it consider international standards on the right to freedom of speech.

The Criminal Court concluded that Pascual had not committed any crime, but had simply exercised his right to freedom of speech as enshrined in the [Universal Declaration of Human Rights](#), the CCPR, the American Convention on Human Rights, and the [Declaration of Principles on Freedom of Expression](#).

'The Court's reliance on these regional and international human rights instruments sends a powerful message that national governments and courts must respect international human rights standards,' said ISHR Programme Manager and Legal Counsel Tess McEvoy.

In welcoming this long awaited decision, Ronaldo Galeano, one of Pascual's lawyers noted that 'the decision reflects that the accusations were unfounded and aimed at silencing the voice of a person representing the voices of indigenous and rural communities.'

Guatemala has long been a [hostile environment](#) for human rights defenders. Recently, however, Guatemala's Constitutional Court [struck down proposed legislation](#) that would have severely restricted the rights to freedom of assembly and association. According to McEvoy, 'in this context, we hope that Pascual's acquittal provides grounds for cautious optimism about the willingness of Guatemala's judicial system to defend international human rights standards in the face of attempts to restrict fundamental rights of human rights defenders.'

Contact: Tess McEvoy, t.mcevoy@ishr.ch

^[1]A United Nations Truth Commission found the Guatemalan military had [committed acts of genocide](#) against Mayan Guatemalans during the country's 36-year civil war that ended in 1996.

ISHER