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Senate Reappoints Human Rights Ombud Despite Opposition from NGOs

by LADB Staff

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In a decision that drew criticism from many nongovernmental organizations, the Senate voted overwhelmingly to ratify Jose Luis Soberanes as the director of the semi-independent Comision Nacional de Derechos Humanos (CNDH) for another five years. Soberanes' reappointment was one of two major appointments approved by the Senate in late October; the other was to ratify Sergio Valls as a new member of the high court (Suprema Corte de Justicia de la Nacion, SCJN).

Soberanes first took the CNDH position in 1999 after serving as director of the Instituto de Investigaciones Juridicas at the Universidad Nacional Autonoma de Mexico (UNAM). He replaced Mireilli Roccatti, who had been appointed to the post by former President Ernesto Zedillo (see SourceMex, 1999-11-17).

Under Roccatti's watch, the Senate approved changes that increased the independence of the CNDH (see SourceMex, 1999-06-30). The Senate approved Soberanes' reappointment by an 81-23 vote, with four abstentions, extending his tenure at the CNDH at least until 2009. The majority of the votes against Soberanes came from the governing center-right Partido Accion Nacional (PAN), which felt the human-rights ombudsman had been "weak" and "inefficient."

Some PAN senators said they were also concerned that Soberanes had maintained too high a profile through controversial statements to the news media. The PAN stance toward Soberanes was divided, with Sens. Micaela Aguilar and Juan Manuel Oliva, both members of the Senate human rights committee (Comision de Derechos Humanos), voting to support a new term for Soberanes.

The former governing Partido Revolucionario Institucional (PRI) and the center-left Partido de la Revolucion Democratica (PRD) voted overwhelmingly to support the ombudsman. The lone dissenter in the PRD was Sen. Leticia Burgos, who voted against Soberanes both in the human rights committee and on the floor of the Senate. Sen. Burgos said she agreed with many PAN members that Soberanes failed to aggressively defend human rights in Mexico. The CNDH has no enforcement powers, but can focus public and official attention on abuses.

Senators, organizations differ on Soberanes' effectiveness

The rest of the PRD and most of the PRI, however, supported Soberanes, citing several accomplishments. One of these successes came in November 2001, when Soberanes published an unprecedented report providing details of the government's "dirty war" against leftists during the 1970s and 1980s. The report named at least 74 officials from 37 government agencies involved in a campaign of disappearances, torture, and executions during that period (see SourceMex, 2001-12-05).

Soberanes' report helped justify President Vicente Fox's decision to appoint Ignacio Carrillo Prieto to head a special prosecutor's office to investigate the dirty-war atrocities (see SourceMex, 2002-01-16). Among those Carrillo is attempting to bring to justice is former President Luis Echeverria Alvarez (see SourceMex, 2004-10-20). Soberanes has also been a vocal critic of the Mexican government's failure to solve the murders of more than 300 women in Ciudad Juarez. His criticisms were partly responsible for the Fox administration's decision to name a special prosecutor to investigate the Juarez cases (see SourceMex, 2004-02-04).

Furthermore, Soberanes is credited for speaking out against the Jalisco state government for its treatment of protesters detained at a Latin American-European summit in June of this year. Witnesses said some demonstrators were threatened and beaten once in custody (see SourceMex, 2004-01-16). Soberanes later accused authorities of torturing some demonstrators and of arresting others without warrant. "In analyzing Soberanes' tenure, we learned that the CNDH made substantial progress in protecting, promoting, and defending human rights," said PRI Sen. Orlando Paredes Lara. "We believe that these efforts must continue to evolve, and this can only be accomplished with a second term [for Soberanes]."

Addressing the Senate following his ratification, Soberanes pledged to place a stronger emphasis on two areas that had not received as much attention during his first term: the rights of crime victims and protection of indigenous communities. Despite his accomplishments and his tendency to speak out on important issues, many human rights organizations said they had problems with Soberanes. A total of 25 groups openly campaigned against the reappointment, claiming that Soberanes did not consult with them and had not been aggressive enough in protecting human rights at many levels.

Among those opposing the reappointment were prominent organizations like the Centro de Derechos Humanos Miguel Agustín Pro Juárez (PRODH), the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH), the Liga Mexicana de Defensa de los Derechos Humanos (LIMEDDH), the Centro de Estudios Fronterizos y de Promoción de los Derechos Humanos (CEFPRODH), the Centro de Análisis e Investigación FUNDAR, and Justicia para Nuestras Hijas.

Spokespersons for Justicia para Nuestras Hijas acknowledged that Soberanes brought attention to the Juarez murders, but said the CNDH failed to follow up on the situation. "We believe that a change is the healthiest course of action for our country," said PRODH director David Velasco Yanez. "It is evident that the CNDH has lost moral authority and legitimacy over the past five years." PRODH also cited some areas where the CNDH had been weak, such as its failure to fight for the rights of Mexicans suffering from HIV/AIDS.

Critics of Soberanes offered several recommendations as substitutes for the ombudsman such as Guadalupe Morfin, Oscar Gonzalez, Emilio Alvarez Icaza, and Bernardo Romero. Morfin was appointed in October 2003 to coordinate the investigation of the Juarez murders (see SourceMex, 2003-10-22). She is working with special prosecutor Maria Lopez Urbina. Some senators also offered alternatives such as noted social scientist and federal Deputy Jose Woldenberg, Mariclaire Acosta, who once served as Fox's special ambassador on human rights, and PAN Sen. Guillermo Herbert.

In a nationally syndicated column, respected human rights researcher Sergio Aguayo said the perception of Soberanes as a weak ombudsman was fairly accurate. "He frequently ignores international human rights instruments at his disposal, his office makes relatively few recommendations, and he selectively targets some institutions for criticism while ignoring violations of others," said Aguayo, whose name was also proposed by some legislators as a substitute for Soberanes.

Senate also elects Sergio Valls as Supreme Court justice

Within a day of the Soberanes decision, the Senate also voted to elect Sergio Valls Hernandez to replace Justice Humberto Roman Palacios on the SCJN. Roman died in June following complications from back surgery. Valls previously served on the Mexico City high court (Tribunal Superior de Justicia del Distrito Federal) and practiced law in both the private and public sectors. He received 85 of the 114 votes cast in the Senate, defeating jurist Felipe Borrego Estrada and legal scholar Bernardo Sepulveda Amor.

The PRI delegation had initially endorsed Sepulveda, but many PRI senators switched their vote to Valls as a result of strong lobbying by Senate president Diego Fernandez de Cevallos, a member of the PAN. Following his election, Valls said one of his priorities would be to push for greater transparency in the decisions of the high court. "Mexicans are demanding procedures that are more open and transparent and a Supreme Court that is open to scrutiny by the public and academic community," said Valls. Valls is the third justice elected by the Senate in a year. In November of 2003, Senators elected Jose Ramon Cossio Diaz to replace retired Justice Vicente Aguinaco.

That appointment was followed by the election of Margarita Beatriz Luna Ramos in February of this year (see SourceMex, 2004-02-29). Luna Ramos became the second woman justice on the high court, joining Olga Sanchez Cordero. (Sources: El Diario de Yucatan, 10/21/04; Notimex, 06/16/04, 10/10/04, 10/21/04, 10/25-28/04; Associated Press, 10/28/04; La Cronica de Hoy, 06/17/04, 10/01/04, 10/24/04, 10/26/04, 10/28/04, 10/29/04; La Jornada, 06/18/04, 06/30/04, 10/06/04, 10/12/04, 10/13/04, 10/20/04, 10/22/04, 10/25-29/04; The Herald-Mexico City, 06/18/04, 10/29/04; El Universal, 10/06/04, 10/12/04, 10/13/04, 10/20/04, 10/22/04, 10/26-29/04; Unomasuno, 10/20/04, 10/28/04, 10/29/04; Spanish news service EFE, 10/25/04, 10/29/04; El Financiero, 10/29/04; Agencia de noticias Proceso, 10/20-22/04, 10/25/04, 10/27/04, 10/28/04, 1/02/04)

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