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Advocates Give Human Rights Ombud Raúl Plascencia Poor Grades, Seek to Prevent Reappointment

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Raúl Plascencia Villanueva, president of the semi-independent human rights commission (Comisión Nacional de los Derechos Humanos, CNDH), is facing severe criticism from what academics and opposition legislators see as the commission’s deficient and inadequate job of defending human rights in Mexico.

The position of CNDH ombud has carried a certain amount of controversy through the years, particularly since the Congress granted the commission greater autonomy in the late 1990s (SourceMex, Oct. 7, 1998, and Nov. 17, 1999). The criticisms most frequently centered on the inadequate job performed by the person in charge of the organization, which was the case for Plascencia’s predecessor José Luis Soberanes Fernández (SourceMex, Feb. 20, 2008).

Plascencia, who replaced Soberanes in 2009, was considered a safe choice at the time of his appointment. The problem is that many advocates were calling for a CNDH leader who would make a difference in reversing Mexico’s dismal record on human rights (SourceMex, Nov. 11, 2009).

At the end of his current five-year term, Plascencia and his supporters are working hard to convince the Senate, which has the responsibility of appointing the next CNDH director, to give the incumbent another five-year term.

Plascencia’s supporters point out, for example, that the CNDH leader has worked hard to advance indigenous rights in Mexico and, because of this, deserves another chance to continue the work.

"For the past several days, the directors of several nongovernmental organizations in Puebla have received visits urging them to sign a letter to the Mexican Senate urging that Raúl Plascencia Villanueva remain at the helm of the Comisión Nacional de Derechos Humanos (CNDH)," said the daily newspaper Jornada de Oriente.

This effort to gather signatures is problematic, given that one of the main instigators is not allowed to engage in this type of activity. "On the surface, this is not an unusual strategy—except that the promoter of this letter is José Víctor Juárez Vázquez, an executive with the Comisión de Derechos Humanos del Estado de Puebla (CDH), who is prohibited from any type of advocacy," said La Jornada de Oriente.

Ombud has support of President Peña Nieto

Political observers say that Plascencia has the support of President Enrique Peña Nieto, which could be a key factor when the Senate considers whether to ratify the incumbent. Plascencia was appointed to the post by ex-President Felipe Calderón, but this does not ensure the vote of the senators from the center-right Partido Acción Nacional (PAN).

"Plascencia is apparently seeking to ruffle as few feathers as possible because he knows he has the support of the PRI in the Senate, plus the Partido Verde Ecologista de México (PVEM) and the
Partido Nueva Alianza (PANAL)," columnist Carlos Puig wrote in the daily newspaper Milenio. "[Members of these parties] will listen to President Peña Nieto when deciding how to cast their vote, which means he only needs another 20 votes to remain in his post for another five years."

**Coalition demands ‘political trial’ for Plascencia in Congress**

The small measure of support for Plascencia seems muted, however, when compared with the broad criticisms about his tenure. A coalition of 84 organizations, academics, and independent activists has asked the Chamber of Deputies to hold a public hearing to examine Plascencia’s performance as head of the CNDH.

The coalition wants Plascencia to be present at the hearing, which they are describing as a "political trial." The request to the Chamber of Deputies came in the form of a letter signed by renowned academics and representatives of national and state human rights organizations. Organizers have also taken their campaign to Twitter, using the hashtag #NoMasComPlascencia to promote their campaign.

The letter was signed by academics Sergio Aguayo and Denise Dresser and leaders of major human rights organizations, including Rocío Culebro and Edgar Cortez of the Instituto Mexicano de Derechos Humanos y Democracia (IMDHD), Mario Patrón of the Comisión de Derechos Humanos del Distrito Federal (CDHDF), Javier Sicilia and Valentina Peralta of the Movimiento Por la Paz con Justicia y Dignidad, Eduardo Gallo of México Unido contra la Delincuencia (MUCD), Alejandro Solalinde Guerra of Hermanos en el Camino, Sister Consuelo Morales of the Ciudadanos en Apoyo a los Derechos Humanos, A.C. (CADHAC), and independent activist and former priest Alberto Athié.

Representatives of human rights groups from nearly two dozen states also signed the letter, which was accompanied by a document listing a large number of cases where Plascencia failed to take action in a "timely, comprehensive, and independent manner" on violations that required immediate action. By failing to act, said the complaint, the ombud was in violation of the constitutional mandate that created the CNDH.

Organizers pointed to reports from international organizations like Amnesty International, Human Rights Watch, and others, which provide evidence that human rights in Mexico have worsened from an already bad situation in recent years. The reports have provided details of violations of fundamental rights, forced disappearances, and abuses by the police and military.

Athié said the document was put together only after organizers conducted a series of consultations with constitutional lawyers, international experts, and many organizations that have been involved in various aspects of human rights.

"We conducted a citizen evaluation in consultation with experts," Athié said in an interview with journalist Carmen Aristegui. "Obviously this is our own evaluation, but it is based on our direct experience as advocates for those who have been affected [by violations]."

"We reached the conclusion that that [bringing the issue to the Congress] was a step that was required," said Athié, who fell out of favor with the Catholic hierarchy in Mexico after he denounced the Legionaires of Christ and ex-priest Marcial Maciel for committing sexual abuses against minors.
One of the most significant complaints was that the CNDH ombud was ineffective in dealing with the more than 70,000 murders that occurred during ex-President Calderón’s drug-interdiction effort, particularly the abuses committed by members of the armed forces and the police (SourceMex, July 16, 2008, Aug. 12, 2009, and Aug. 15, 2012). Furthermore, advocates accuse Plascencia of doing little to help solve the cases of the thousands of Mexicans who have disappeared during the drug-interdiction campaign (SourceMex, Jan. 23, 2013, and July 16, 2014).

The document also accuses Plascencia of failing to denounce the government for violations of individual rights in the high-profile arrests of Gen. Tomás Ángeles Dauahare, accused of complicity with the Beltrán Leyva cartel, and French citizen Florence Cassez, accused of participating in a kidnapping ring (SourceMex, April 1, 2009, and March 14, 2012). Ángeles Dauahare was released because prosecutors failed to present sufficient proof of his alleged involvement with organized crime.

The complaint says that Plascencia used his position for "personal motives" and in some cases used the CNDH to discredit politically some of the victims of abuses.

"We presented a document with solid arguments to the Chamber of Deputies, and Congress must now create the commissions to analyze and reach some conclusions on the complaints," said Edgar Cortez. "This is a measure against a government entity that has legal autonomy. Regrettably, [the CNDH] has become an organ that believes it is not accountable to anyone."

Plascencia responded to the charges by suggesting that the organizations were engaging in a "dirty war" against him to promote a candidate of their own, which they would reveal soon. "I regret that they are using this strategy to hurt Mexico and our institutions," said the ombud. "The only thing missing is the name of the candidate they support to replace me."

Controversy regarding recent incident involving Army

While most of the complaints against Plascencia involved cases that emerged during the Calderón government, the ombud is accused of doing nothing in a recent incident involving an Army shooting of 22 alleged members of a criminal organization in the community of Tlatlaya in México state on June 30. The initial reports of the incident indicated that the victims died during an exchange of gunfire with the military. Later reports suggested, however, that soldiers might have executed the victims.

Plascencia’s first reaction was to cast doubt on those reports and to tell reporters and the public that the incident would be clarified in six weeks following an investigation. Even then, he said he was certain that the deaths were the result of a confrontation.

Plascencia’s laissez-faire attitude angered human rights advocates, many of whom accused the CNDH president of engaging in a cover-up. The ombud’s decision to remain on the sidelines became even more problematic when details about the case started to come to light. An eyewitness came forward with information that the soldiers had captured the suspects, interrogated them, and then shot them dead in cold blood. There were further reports that soldiers also shot and killed innocent civilians.

In the aftermath of these reports, the Peña Nieto government decided to take decisive action. In late September, the Secretaría de Defensa Nacional (SEDENA) arrested seven soldiers and one officer who took part in the operation on charges of insubordination and dereliction of duty.
"The authoritative decision—the most forceful the Enrique Peña Nieto administration has taken regarding the military—comes just as the case threatened to create a huge political scandal," said the Associated Press. "For months, the army held on to a flimsy exculpatory story. It did not reveal the names of the dead nor explain what the troops were doing in that place in the early morning hours."

"The Tlatlaya case is another reason why we are asking for a political trial for Plascencia," said Edgar Cortez, who said the ombud was keeping silent to protect the administration.

"Abuses inflicted by the Mexican Army is among the topics that the CNDH has refused to touch, even though the commission has ample powers to take a proactive stance," said Cortez.

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