

# Open letter to the Sovereign States of the Organization of American States

Re: Anti-Christian bias of the self-styled 'Panel of Experts for Election Monitoring in the Inter-American Human Rights System'

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Your Excellencies,

We send you our best regards.

We, the undersigned have joined to publicly express our support for Dr Carlos Bernal Pulido, candidate to the Inter-American Commission on Human Rights, with respect to his decision announced last 17 May 2021, not to accept the invitation to be interviewed by the self-appointed panel of experts established by the Open Society Justice Initiative, the Due Process of Law Foundation, and the Center for Justice and International Law (CEJIL). **This, in view of their manifest prejudice against Mr Bernal's Christian faith, and their questionable conduct calculated to undermine support for his candidacy.**

As the esteemed Ambassadors will recall, the self-styled panel of experts is a project developed by a small group of non-governmental organizations with the aim of influencing the selection process of judges and commissioners of the Inter-American human rights system. In the context of the 2021 process, the self-styled panel of experts sent Dr Carlos Bernal Pulido a questionnaire asking for explanations regarding '*various personal and professional controversies derived from his actions.*' Undoubtedly, asking questions is legitimate with respect to someone who aspires to be elected Commissioner of Human Rights of the OAS — a matter that we, the undersigned, do not dispute.

But what is not legitimate — and what is more, in any other context it would be a form of conduct flagrantly contrary to law that the Inter-American human rights system itself would condemn — is that the self-styled panel of experts has the audacity to sow doubts on the capacity, suitability and adherence to law of Dr. Bernal, for the mere fact that he has written an essay titled 'Biblical Foundations of the Separation of Powers and the Catalytic Function of the Judge'. **What is the alleged 'controversy' that follows from this act? Well, that Dr Bernal is a Christian and that is, for the interviewers, a reason for scandal and controversy.**

The self-styled panel asks Dr Bernal, in a loaded and pejorative manner, whether given these facts and if elected Commissioner, he '**will apply his religious beliefs or biblical interpretations to cases before him, rather than the sources of law that happen to be applicable; whether he considers his religious beliefs to be contrary to any human rights source, standard or interpretation; or whether his Christian faith entails him having "preconceived ideas regarding...their role that women and LGTI persons should occupy in society"**' (sic).

Esteemed Ambassadors, the insinuations made by this self-appointed panel of experts deserve the most categorical repudiation.

To even pose these questions is highly suspect, taking into consideration the requirements States have established to serve as a member of the Commission. The only qualifications necessary under the American Convention on Human Rights are that candidates possess a recognized human rights expertise and high moral authority. The religious adherence of individuals simply cannot be considered, as a matter of law, a relevant aspect for selection.

We must not be naive. *It is clear that the only reason these questions are even asked is because of Mr Bernal's faith, since the interviewers have reservations about his Christianity per se.* This is a serious prejudice which, moreover, is profoundly ignorant, since it assumes a contradiction between it and human rights law, casually ignoring the undeniable influence that the Christian intellectual tradition had in the process of gestation and diffusion the latter, deriving in its current existence as positive law.

The animus against Dr Bernal's Christian faith is fully exposed by a review of the previous reports of this self-styled panel of experts, as it shows that **other candidates have never been asked whether they would apply their religious (or other) beliefs to replace the sources of law that govern the system, much less whether they have preconceived ideas about other social groups, such as religious communities.**

The evaluation to decide whether Dr Bernal Pulido will serve on the Inter-American Commission on Human Rights cannot and should not be based on a bad faith questioning of his religious convictions, but rather on his extensive judicial and academic career, with respect to which the panel of experts has no objections. Certainly, it is legitimate to raise objections to his legal reasoning expressed in his rulings or other writings. But here, there is no identified opinion or essay that, in terms of its substantive content — as opposed to the irrational fear of some with respect to Dr Bernal's analysis of the contribution made by the Bible to law — leads one to think or worry that such would be his conduct. And yet, he is the only individual with respect to whom this is presumed and from whom explanations are demanded. The reason, we insist, is obvious and appalling.

Esteemed Ambassadors, this most revealing episode now stands as a critical moment on which future credibility and confidence in the Inter-American human rights system depends. If these unlawful attacks on Dr Bernal's faith and character are successful, it will be an indication to the men and women of our American continent that their faith and way of life have no place in this, their home. We urge you not to allow this to happen, and to condemn this spurious attempt to tarnish Dr Bernal Pulido's candidacy for what it is: bigotry.

Yours faithfully,



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