

United States Senate

WASHINGTON, DC 20510

April 5, 2022

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Secretary Blinken and Attorney General Garland,

We write to express concern over mounting allegations that President Andrés Manuel López Obrador’s government and Mexico’s National Prosecutor’s Office (FGR) are politicizing the Mexican justice system and jeopardizing the independence of democratic institutions. It is in our vital interest and that of the Mexican people, that Mexico—one of the United States’ most important international partners on a wide range of issues, including economic, security, and criminal justice matters—maintains a strong and independent justice system capable of upholding the rule of law, one of the most fundamental elements to a well-functioning democracy.

President López Obrador’s tenure has been marked by an increasing pattern of seemingly selective prosecutions disproportionately targeting government critics. These investigations have been pursued by the FGR—an institution that is constitutionally autonomous from the Executive Branch, but which has in practice aligned with President López Obrador—with the apparent aim of discrediting and silencing political opponents, as well as pursuing personal vendettas, as evident in the following instances:

- Recent leaked recordings of a call between Mexico’s National Prosecutor Alejandro Gertz Manero—a close political ally of President López Obrador—and a member of the FGR raise questions about whether Gertz Manero improperly used FGR resources. They also raise questions about improper dealings between Gertz Manero and members of Mexico’s Supreme Court in a case in which the National Prosecutor accuses his in-laws of failing to provide proper care to his brother, who died in 2015 at the age of 82.¹ Despite this, President López Obrador continues to defend Gertz Manero.²

¹ Mark Stevenson/Associated Press, “Mexico prosecutor apparently recorded trying to jail in-laws,” *ABC News*, March 5, 2022, <https://abcnews.go.com/International/wireStory/mexico-prosecutor-apparently-recorded-jail-laws-83271152>; “Caso Alejandra Cuevas: supuesta llamada exhibió manipulación de Gertz Manero en la SCJN,” *Infobae*, March 5, 2022, <https://www.infobae.com/america/mexico/2022/03/05/caso-alejandra-cuevas-supuesta-llamada-exhibio-manipulacion-de-gertz-manero-en-la-scn/>.

² “Pese a críticas, AMLO respalda a Gertz: afirma que le tiene confianza y que lo quieren ‘tumbar,’” *Animal Político*, March 7, 2022, <https://www.animalpolitico.com/2022/03/amlo-respalda-fiscal-gertz-manero-audios/>.

- In September 2021, Gertz Manero attempted to arrest and prosecute 31 scientists on money laundering and embezzlement charges.³ The scientists, who are accused of embezzling \$12 million in government money and face a sentence of up to 80 years in a maximum-security prison, were members of the Scientific and Technological Advisory Forum, an autonomous body created in 2002 to advise the government.⁴ President López Obrador called for the Advisory Forum, which has been critical of his government's policies, to be disbanded and publicly criticized the scientists as corrupt. Mexican judges have twice declined to authorize arrest warrants for the scientists, finding the substantive allegations for a legal case lacking.⁵ Nevertheless, the FGR has insisted it will continue to pursue the case, a move condemned by prominent international Latin American scholars as an “effort to create a climate of intimidation to scientists and scholars.”⁶
- In August 2021, the FGR pressed charges against Ricardo Anaya, a prominent political leader within the opposition National Action Party who ran against President López Obrador in the 2018 presidential elections. Anaya is charged with money laundering and illicit enrichment in relation to his vote in favor of an energy reform bill in 2014.⁷ The charges against Anaya are largely based on the testimony of a single individual, Emilio Lozoya, who is facing charges from his time as the head of PEMEX, Mexico's national oil company. Anaya, who fled Mexico following the accusations, claims President López Obrador's government is targeting him because he intends to run in the 2024 elections. According to press reports, “political analysts and legal scholars, including two allies of Mr. López Obrador currently serving in official legal capacities, say the case against Mr. Anaya is riddled with inconsistencies. Among them: The alleged bribe, in August of 2014, took place eight months after the constitutional reform passed, and five months after Mr. Anaya left congress.”⁸

Cases such as these stand in stark contrast to instances in which President López Obrador's government and the FGR have failed to seriously investigate or prosecute potential corruption among individuals linked to the president. These include, among others, allegations of money laundering and campaign finance law violations against President López Obrador's private

³ “Crítican al gobierno de México por acusar a académicos,” *AP News*, September 22, 2021, <https://apnews.com/article/ecbb4f494bffe9d1610185ce955dbe84>.

⁴ David Luhow and Juan Montes, “Mexican Government Seeks Arrest of Top Scientists in Funding Dispute,” *The Wall Street Journal*, September 25, 2021, <https://www.wsj.com/articles/mexican-government-seeks-arrest-of-top-scientists-in-funding-dispute-11632574800>.

⁵ *Ibid.*

⁶ “Statement From Latin American Studies Scholars on the Prosecution of 31 Mexican Scientists and Researchers,” https://docs.google.com/forms/d/e/1FAIpQLSdh3nxdFBixO0fK6nTf_2TYqvtKjRJEhmmk61QIYoNRGVpWCg/viiform.

⁷ “Mexico: President foe who fled allegedly got \$500,000 bribe,” *AP News*, August 25, 2021, <https://apnews.com/article/business-mexico-58710438781b6e3b918ecc54d09bcd4a8>.

⁸ José de Córdoba and Juan Montes, “Tale of Gym Bag Stuffed With Cash Ensnarers Top Opponent of Mexico's President,” *The Wall Street Journal*, November 7, 2021, <https://www.wsj.com/articles/mexico-bribery-case-ricardo-anaya-lopez-obrador-odebrecht-lozoya-11636307232>.

secretary and brother, respectively.⁹ The selective prosecutions also contrast markedly with the FGR's decision to close the investigation against former Defense Minister Salvador Cienfuegos in January 2021, following Cienfuegos' arrest in the United States in October 2020 on charges of collusion with narcotics traffickers.¹⁰

In light of this pattern of apparent selective and politically motivated prosecutions, efforts by President López Obrador and his allies to target and weaken the independence of Mexico's judicial system raise significant concerns. In March 2021, President López Obrador publicly attacked a judge who ruled against his energy proposal and asked the country's Judicial Council to launch an investigation against him. A month later, President López Obrador supported the passage of a seemingly unconstitutional law to extend the term of the current Supreme Court chief justice, who is sympathetic to the president's policies. Additionally, in August, he called for all members of Mexico's top electoral court to resign. As José Miguel Vivanco, former Executive Director of Human Rights Watch's Americas Division has noted, these actions demonstrate a disregard for judicial independence and are a "direct assault on the rule of law."¹¹

We urge you to give serious consideration to the risk of a weakened, politicized justice system in Mexico, and to raise and prioritize these concerns in discussions with your Mexican counterparts. The United States government must explicitly communicate its continued support for Mexico's independent institutions, as well as its firm belief that President López Obrador's efforts to advance legitimate accountability initiatives must strengthen, not dismantle, democratic institutions and the rule of law.

Sincerely,



Robert Menendez
United States Senator



Patrick Leahy
United States Senator



Jeffrey A. Merkley
United States Senator



Benjamin L. Cardin
United States Senator

⁹ Carlos Loret de Mola, "El Presidente Reparte Impunidad," December 7, 2021, <https://www.carlosloret.com/2021/12/el-presidente-reparte-impunidad/>; "Mexican President Defends Brother Hit by Cash Scandal," *Reuters*, Aug. 21, 2020, <https://www.reuters.com/article/us-mexico-corruption/mexican-president-defends-brother-hit-by-cash-scandal-idUSKBN25H100>.

¹⁰ Oscar López, "Mexico Exonerates Ex-Defense Chief Who Was Freed by the U.S.," *The New York Times*, January 14, 2021, <https://www.nytimes.com/2021/01/15/world/americas/mexico-defense-minister-cienfuegos.html>.

¹¹ José Miguel Vivanco, "López Obrador Threatens Judicial Independence," *Human Rights Watch*, April 26, 2021, <https://www.hrw.org/news/2021/04/26/lopez-obrador-threatens-judicial-independence>.