

July 25, 2023

The Honorable Andrés Manuel López Obrador
Presidente Constitucional de los Estados Unidos Mexicanos
Plaza de la Constitución S/N
Centro Histórico de la Cdad. de México, Centro, Cuauhtémoc
06066 Ciudad de México, México

RE: Respect for the Rule of Law and Judicial Independence in Mexico

Dear Mr. President:

Since its creation in 1878, the American Bar Association (ABA) has been committed to fostering the rule of law around the world. The United Mexican States (Mexico) has been a key partner in that effort, including with the participation of its independent judiciary and other esteemed members of the legal profession. Today, the ABA's effort continues to grow under its Rule of Law Initiative (ROLI), a program aimed at promoting justice, economic opportunity, and human dignity through the rule of law.

The ABA respectfully urges your Administration to continue Mexico's tradition of democracy and adherence to its federal Constitution, domestic laws, treaties, and international norms and commitments. Continuing that proud tradition and protecting the rule of law in Mexico depends on respect for the independence and legitimacy of the judiciary.

During your Administration, you have sought legal reforms and pursued government projects aimed at transforming public life in Mexico. As in any democratic regime, however, the process of transformation must not come at the expense of the rule of law. The rule of law relies on independent judicial review of executive action, as provided by the Mexican Constitution and the Mexican legal system, and on compliance with the treaties to which Mexico is a party and is therefore legally bound.

The ABA notes with great concern frequent comments by government officials against members of the federal judiciary who have ruled against your Administration in judicial proceedings. Comments in press conferences and through social media publicly directed against individual members of the federal judiciary appear to have created a hostile environment that runs counter to the well-established principles of the separation of powers and judicial independence. The protection of judicial independence is enshrined in the Mexican Constitution and in multiple international treaties to which Mexico is a state party, including in Article 3 of the

Inter-American Democratic Charter and Article 8 of the American Convention on Human Rights. The United Nations Basic Principles on the Independence of the Judiciary also recognize that such independence "shall be guaranteed by the State" and that "it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary" (Principle 1).

The ABA is not alone in expressing this concern. Bar associations, academic institutions, and legal organizations in Mexico, the United States, and beyond have issued public statements urging your Administration to respect the rule of law. However, public reporting suggests that your Administration's actions have intensified, including most recently with personal attacks on individuals serving in the federal judiciary. Undermining the independence of the judiciary threatens the rule of law and institutions that are systemically fundamental to Mexican society.

We strongly believe that an independent judiciary has a key role to play in Mexico's ongoing reforms to strengthen the rule of law. The ABA urges you again to ensure that your Administration respects the rule of law and instructs all government officials to adhere to the Mexican Constitution, domestic federal laws, and Mexico's international commitments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Deborah Enix-Ross', with a stylized flourish at the end.

Deborah Enix-Ross
President