**THREATS TO JUDICIAL INDEPENDENCE IN MEXICO:**

**WORRYING POLITICAL PRESSURE AGAINST JUDGE WHO PROVISIONALLY SUSPENDED THE REFORM OF THE ELECTRICITY INDUSTRY LAW**

*Washington, D.C., March 25, 2021.* We express our concern about the comments of the President of the Republic of Mexico, Andrés Manuel Lopez Obrador, questioning the impartiality of the judge who temporarily suspended a legislative reform promoted by the Executive and requesting the Judiciary Council to investigate him disciplinarily for the content of his decision.

Days after the publication of the reform to the Electricity Industry Law (LIE), proposed by the Federal Executive, Judge Juan Pablo Gómez Fierro, head of the Second District Court in Administrative Matters, specialized in economic competition, broadcasting and telecommunications, granted a temporary suspension of such reform in the framework of two injunctions that question provisions of the reform that could constitute violations of human rights and norms that protect the environment. After this temporary suspension, the head of the Federal Executive, in his morning conference on March 12, 2021, insinuated that judges are at the service of private and foreign interests and even sent a letter addressed to the President of the Council of the Judiciary, Arturo Zaldívar, who also presides over the Supreme Court of Justice and the Judicial Branch as a whole, to request that disciplinary investigations be initiated against Judge Gómez Fierro. Other similar temporary suspensions would have been issued subsequently, by another federal judge.

The separation of powers and judicial independence, both of which are enshrined in the Mexican Constitution, are essential elements of the rule of law and democratic systems. The rule of law requires that judges can act independently in the exercise of their functions and make decisions free from outside influence and without fear of reprisals. Both Mexico's domestic laws and international human rights commitments establish guarantees to protect judges against external pressures, thus safeguarding their independence. **President López Obrador's public statements against Judge Gómez Fierro, and the use of his influence to activate disciplinary control, constitute acts of pressure on the judiciary from a political power, in response to the content of the decision adopted in the exercise of his functions, which can have intimidating effects on the judge and on other judges in the country, in direct violation of these guarantees.** In a democratic state, disagreement with the content of decisions should be channeled within the framework of a system of appeals, which allows for the review and correction of any discrepancy or interpretative error, with respect for due process.

The actions taken by the Federal Executive have raised alarm among both the legal community in Mexico and the international community. Justice Arturo Zaldívar responded publicly, stating that the independent performance of judges is a prerequisite for democracy and the rule of law, and that, in any case, the Federal Judiciary Council is the institution empowered to oversee their performance, which is analyzing whether or not there are grounds to initiate an investigation against Judge Gómez Fierro.

In a statement on March 22, the United Nations Special Rapporteur on the Independence of Judges and Lawyers Diego García-Sayán made a clear statement, indicating that the Executive Branch should not intervene in judicial proceedings in an undue manner, and emphasized that, in accordance with the standards described in the *United Nations Basic Principles on the Independence of the Judiciary*, **Judge Gómez Fierro should not be investigated for the content of his decisions.**

Therefore, **we urge the Federal Executive of the Mexican State to respect the independence of judges and not to use political discourse as a means of pressure or intimidation against them**. We also urge the Federal Judiciary Council to exercise its disciplinary powers in accordance with applicable international standards, which prohibit the use of punitive power against justice operators for the content of their decisions.