

## Mexico's ex-President Peña Nieto investigated for corruption

Fredrik Karlsson | 17 August 2020



Former President Enrique Peña Nieto (on the right), with current President Andrés Manuel López Obrador (on the left)

In the wake of Mexico's attorney general opening a corruption investigation against former President Enrique Peña Nieto, local lawyers say Mexico's anti-corruption system is robust enough to handle such a high-profile case, and suggest the country may now be ready for large international corruption investigations.

The investigation, launched by attorney general Alejandro Gertz, comes after former Pemex head Emilio Lozoya claimed Peña Nieto, who was Mexico's president between 2012 and 2018, had taken bribes and bribed members of the Mexican congress.

Lozoya was extradited from Spain in July and is facing a corruption investigation himself, linked to Brazilian construction company Odebrecht. Lozoya, who led Pemex between 2012 and 2016, said he was ordered by Peña Nieto and former finance minister Luis Videgaray to channel several millions of dollars from Odebrecht into Peña Nieto's presidential campaign.

Neither Peña Nieto nor Videgaray have made a statement about the accusations, and neither have been charged.

The investigation is without a doubt a landmark case. No former Mexican president has faced corruption charges or criminal prosecution, says Chávez Vargas Minutti SC partner Brian Minutti. "The accusations and certainty about the actual procedure is still unproven but if it proceeds, it will definitely mark a before and after in Mexico," he says. "We are talking about a complex bribery system that seems to involve not only electoral advisors, but also senators, one deputy (of the chamber of deputies) and the ex-finance minister."

Peña Nieto's successor President Andrés Manuel López Obrador was very vocal during his election campaign about corruption being one of Mexico's main problems. He has continued to be since taking office in 2018. With the investigation launched by the independent attorney general's office, AMLO, as he is commonly referred to, may score a double political campaign win – clamping down on corruption at the highest level of power, while preserving the attorney general's independence.

[https://latinlawyer.com/article/1230028/mexico's-ex-president-pena-nieto-investigated-for-corruption?utm\\_source=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm\\_medium=email&utm\\_campaign=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm\\_term=Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm\\_content=66988&gator\\_td=9K%2bInCec0t1uzLdn1hzUV41I94XlFgPHAIbQabwYExY5T5kRVLo8FxAI8RXXIQmNJZoODZ6l6H3RaZYKmfbe73z5xrDWtEVMlWh%2fOwh05lGDH%2bG9TUDGjQlFIRYqENDpo66qxcEcbX1vr3Ji6yjFqP4DX69m%2b6J0%2fcsRgY8N9SFZ%2byEg9QQtjwKV4CcvkiM%2bo%2b%2f7GoG0oD1r%2bNryJmDm10nZ9hcRMmbWd%2bRT%2f2uh%2b8i7JgGxxSbydm2s8GphAaGSQvW84rY0reJvSpV6fXbBq5D5g5oK553XmV3Sw%2bX6AuQ%3d](https://latinlawyer.com/article/1230028/mexico-s-ex-president-pena-nieto-investigated-for-corruption?utm_source=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm_medium=email&utm_campaign=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm_term=Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm_content=66988&gator_td=9K%2bInCec0t1uzLdn1hzUV41I94XlFgPHAIbQabwYExY5T5kRVLo8FxAI8RXXIQmNJZoODZ6l6H3RaZYKmfbe73z5xrDWtEVMlWh%2fOwh05lGDH%2bG9TUDGjQlFIRYqENDpo66qxcEcbX1vr3Ji6yjFqP4DX69m%2b6J0%2fcsRgY8N9SFZ%2byEg9QQtjwKV4CcvkiM%2bo%2b%2f7GoG0oD1r%2bNryJmDm10nZ9hcRMmbWd%2bRT%2f2uh%2b8i7JgGxxSbydm2s8GphAaGSQvW84rY0reJvSpV6fXbBq5D5g5oK553XmV3Sw%2bX6AuQ%3d)

Sign up for email alerts

Submit news

### Related content

#### News

Peru gears up for new merger control regime

Skadden promotes São Paulo lawyer to regional counsel

Several firms steer US-Colombian medical cannabis merger

#### Feature

Latin Lawyer Elite Survey 2020: taking on the covid-19 crisis

### In this article

Von Wobeser y Sierra SC  
Diego Sierra

Chávez Vargas Minutti SC  
Brian Minutti Aguirre

These firms have professional notices in the Latin Lawyer 250

### Events



Mar 24 POSTPONED - Latin Lawyer Live 11th Annual Oil & Gas  
Tue, 24th Mar 2020



May 07 POSTPONED - Latin Lawyer 14th Annual Charity Awards Ceremony

Before launching proceedings against former high-level politicians, AMLO has said he would carry out popular consultations to gain public approval. "It is unclear where this popular-will measuring exercise fits under the attorney general's independence and the evolution of Emilio Lozoya's case," says Diego Sierra, partner at Von Wobeser y Sierra SC. "I would hope for AMLO's preservation of the attorney general's independence, something that he has repeatedly upheld in his multiple morning press conferences," he adds.

The ongoing coronavirus pandemic has hit Mexico hard – the country has the world's third-highest death rate caused by covid-19 in the world, after the US and Brazil. But the crisis has given further transparency to this corruption case, because presidential press conferences, introduced to cover covid-19, address the topic daily, says Sierra. "That is AMLO's very effective public communication touch," he adds.

Attorney General Gertz has been in frequent interaction with the public too. Notably, Gertz has recently participated in several Zoom conferences with representatives of the public, including opinion leaders, where he answers questions directly from the audience. "Perhaps he is learning from his Brazilian peers' close ties with the press throughout Operation Car Wash," says Sierra, adding that the approach is helping Gertz earn further credibility. "He appears to be casting aside a shadow that has been looming over the attorney general, which is that of the existence of a pact of impunity towards former high-ranking officials," Sierra says. Mexico's justice system has faced fierce criticism for high levels of impunity in the past, and research has previously illustrated that impunity is a rising concern among the population.

The high-profile investigation by Mexico's attorney general may lead to a new era of corruption investigations, not only against individuals but also against businesses, including large-scale international probes. The investigation into Peña Nieto and the Lozoya case came about from the investigation into Odebrecht's widespread bribes for construction contracts in Latin America, which stemmed from an investigation by the US Department of Justice, points out Sierra. "Is Mexico ready to jump on to the wave of international prosecution of large-scale corruption – I would put my money on betting that the answer is yes," he says.

## Can Mexico handle it?

The final federal laws to implement Mexico's National Anti-Corruption System (SNA) came into force in 2017, providing a framework to improve corruption investigations. Lawyers argue that the existing framework can handle high-profile cases, with Sierra saying it is "robust enough to prosecute" a case like Peña Nieto's.

However, since the SNA's implementation, Mexico has struggled to implement some final details, including appointments to some positions, such as federal anti-corruption judges. Chávez Vargas' Minutti says Mexico still needs to equip the institutions handling corruption cases with "independent and well-trained prosecutors, police officers, and other officials to prove it can conduct investigations without fear that investigators will face reprisals or threats, including in cases involving powerful political and economic groups."

Mexico's national code of criminal procedures (NCCP) provides some features, like the immunity plea, which Von Wobeser's Sierra think will benefit investigations of this kind. Former Pemex head Lozoya requested an immunity plea in exchange for providing relevant information, such as the alleged illegal conduct by Peña Nieto and Videgaray, says Sierra, pointing out that such information would otherwise have been difficult for the attorney general's office to obtain.

On the other hand, the NCCP sets high requirements for the information provided by a person seeking an immunity plea. Contrary to other criminal justice systems like the US, the NCCP does not reduce penalties based on the information offered, explains Sierra. The focus instead lies on whether the information is essential and effective to prosecute a more severe crime. "Whether the alleged crimes revealed by Emilio Lozoya are more severe remains under the umbrella of prosecutorial discretion," says Sierra. "If, indeed, the attorney general indicts former President Peña Nieto and former finance minister Videgaray, it will be interesting to see how their defence addresses these new features of the criminal system," he adds.

Practice area: Anti-corruption investigations and compliance

Country: Mexico

Thu, 7th May 2020

[View all events](#)

## Insight



[View Reference](#)













[View Guides](#)



[https://latinlawyer.com/article/1230028/mexico's-ex-president-pena-nieto-investigated-for-corruption?utm\\_source=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm\\_medium=email&utm\\_campaign=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm\\_term=Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm\\_content=66988&gator\\_td=9K%2bInCec0t1uzLdN1hzUV41I94XlFgPHAIbQabwYExY5T5krVLo8FxAI8RXXIQmNJZoODZ6I6H3RaZYKmfbe73z5xrDwtEVMlWh%2fOwh05IGDH%2bG9TUDgJQlFIRYqENDpo66qxcEcbX1vr3Ji6yjFqP4DX69m%2b6J0%2fcsRgY8N9SFZ%2byEg9QQtjwKV4CcvkiM%2bo%2b%2f7GoG0oD1r%2bNryJmDm10nZ9hcRMmbWd%2bRT%2f2uh%2b8i7JgGxxSbydm2s8GphAaGSQvW84rY0EjvSpV6fXbBq5D5g5oK553XmV3Sw%2bX6AuQ%3d](https://latinlawyer.com/article/1230028/mexico's-ex-president-pena-nieto-investigated-for-corruption?utm_source=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm_medium=email&utm_campaign=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm_term=Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm_content=66988&gator_td=9K%2bInCec0t1uzLdN1hzUV41I94XlFgPHAIbQabwYExY5T5krVLo8FxAI8RXXIQmNJZoODZ6I6H3RaZYKmfbe73z5xrDwtEVMlWh%2fOwh05IGDH%2bG9TUDgJQlFIRYqENDpo66qxcEcbX1vr3Ji6yjFqP4DX69m%2b6J0%2fcsRgY8N9SFZ%2byEg9QQtjwKV4CcvkiM%2bo%2b%2f7GoG0oD1r%2bNryJmDm10nZ9hcRMmbWd%2bRT%2f2uh%2b8i7JgGxxSbydm2s8GphAaGSQvW84rY0EjvSpV6fXbBq5D5g5oK553XmV3Sw%2bX6AuQ%3d)

# LATIN LAWYER – VON WOBESER Y SIERRA – 17 AGOSTO 2020

From the publisher of:

 |  | **GIR** |  |  |  | THE LAWREVIEWS | GETTING THE DEAL THROUGH 

<b>LATIN LAWYER</b>	<b>LACCA</b>	<b>LL250</b>	<a href="#">Sign up for email alerts</a>
News	News	<b>LL National</b>	
Features	Features		<b>Social</b>    
Surveys	Surveys	<b>Insight</b>	
Magazine	Approved	Reference	
About us	Members	Guides	
Shop	Thought Leaders		
	About us	<b>Events</b>	
		Conferences	
		Conference coverage	

  [E-mail preferences](#) [Privacy](#) [Terms and conditions](#) [Contact](#) [Advertising](#) [FAQ](#)

Copyright © Law Business Research Company Number: 03281866 VAT: GB 160 7529 10

[https://latinlawyer.com/article/1230028/mexico's-ex-president-pena-nieto-investigated-for-corruption?utm\\_source=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm\\_medium=email&utm\\_campaign=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm\\_term=Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm\\_content=66988&gator\\_td=9K%2bInCec0t1uzLdN1hzUV41I94XlFgPHaIBQabwYExY5T5kRVLo8FxAI8RXXIQmNJZoODZ6I6H3RaZYKmfbe73z5xrDWtEVMIWh%2fOwh05IGDH%2bG9TUDgJQlFIRYqENDpo66qxcEcbX1vr3Ji6yjFqP4DX69m%2b6J0%2fcsRgY8N9SFZ%2byEg9QQtjwKV4CcvkiM%2bo%2b%2f7GoG0oD1r%2bNryJmDm10nZ9hcRMmbWd%2bRT%2f2uh%2b8i7JgGxxSbydm2s8GphAaGSQvW84rYOreJvSpV6fXbBq5D5g5oK553XmV3Sw%2bX6AuQ%3d](https://latinlawyer.com/article/1230028/mexico's-ex-president-pena-nieto-investigated-for-corruption?utm_source=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm_medium=email&utm_campaign=08%2f17%2f20-10%3a38%3a14-615+-+Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm_term=Mexico's+ex-President+Peña+Nieto+investigated+for+corruption&utm_content=66988&gator_td=9K%2bInCec0t1uzLdN1hzUV41I94XlFgPHaIBQabwYExY5T5kRVLo8FxAI8RXXIQmNJZoODZ6I6H3RaZYKmfbe73z5xrDWtEVMIWh%2fOwh05IGDH%2bG9TUDgJQlFIRYqENDpo66qxcEcbX1vr3Ji6yjFqP4DX69m%2b6J0%2fcsRgY8N9SFZ%2byEg9QQtjwKV4CcvkiM%2bo%2b%2f7GoG0oD1r%2bNryJmDm10nZ9hcRMmbWd%2bRT%2f2uh%2b8i7JgGxxSbydm2s8GphAaGSQvW84rYOreJvSpV6fXbBq5D5g5oK553XmV3Sw%2bX6AuQ%3d)