



**FISCALÍA
ANTICORRUPCIÓN**
DEL ESTADO DE CHIHUAHUA

MÉXICO



Corruption Case Review

General Points

A federal, representative and democratic republic with 31 federal entities and Mexico City, capital of the country and centre of the Union Powers (Executive, Legislative and Judicial), all at the federal level.



- Each Federal Entity has local powers (executive, legislative and judicial) that act within their jurisdiction.
- Chihuahua is the Federal Entity with the largest territorial extension in Mexico, as well as the largest border area with the United States.





Introduction

Corruption is one of the main structural problems facing Mexico, and the world. It has permeated all levels of government, public and private institutions, seriously affecting economic development, citizen confidence and governance.

Transparency International defines corruption as follows:

‘The abuse of entrusted power, for private gain’. I would add ‘public power’, as it is the element of state/government origin, whether through human resources, economic resources, goods or services, that constitutes punishable corruption.

Corruption has devastating effects on multiple levels of societies around the world:

- **Social** (Mistrust in institutions and increased inequality and poverty)
- **Economic** (Loss of investment and misuse of public resources).
- **Political** (Weakening of the rule of law, impunity and weakening of democracy).





Anti-Corruption Prosecutor's Offices in Mexico

There are 31 state and one federal anti-corruption prosecutor's office, but only five of them have full autonomy (including that of the State of Chihuahua).

Importance of autonomy:

- Its head is chosen through an open, transparent, public selection process for a determined term (which can be from 7 to 9 years, depending on the State), by a panel of experts in the fight against corruption and the State Congress.
- It does not serve political or partisan agendas.
- It exercises its own economic budget.

In order to strengthen the fight against corruption and seek the autonomy of the Prosecutor's Offices in Mexico, the National Convention of Anti-Corruption Prosecutor's Offices (CONAFA) was created, which brings together all the heads of the Prosecutor's Offices and of which I have the honour of being the technical secretary.



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Crimes investigated by the FACH

1. Illegal Exercise of Public Service (Exercise the SP without fulfilling legal requirements).
2. Abuse of Authority (exercising violence against third parties, without justification).
3. Illegal Use of Attributions and Powers.
4. Intimidation (exercise violence against third parties to do or not to do obligations).
5. Influence peddling (influence to benefit or harm a third party).
6. Bribery.
7. Peculation (Diverting or diverting public resources).
8. Concussion (hiring an employee, as long as he/she returns part of his/her salary).
9. Illicit enrichment.





Ways to start an investigation

1. By complaint (anonymous, via app, in writing, by appearance, by e-mail, by web page, by telephone) and any person (physical or moral) or authority can make a complaint.
2. By authority (State Superior Audit, Internal Control Bodies, Comptrollers' offices, etc.)
3. Ex officio, when this Social Representation becomes aware, by any means, of the possible commission of a crime or act of corruption (journalistic investigations, reports, random checks, anti-bribery operations).

*It is not necessary to establish the offence or the legal classification, only the exposition of the facts.





Case Municipal President

FACTS:

- During the year 2023, 10 pieces of land owned by a municipality in the State of Chihuahua, bordering the border, were transferred to private individuals, without any records of these operations.
- In its annual audit, the State Superior Audit Office detected that the legal procedure for the disincorporation of the land and its corresponding sale had not been carried out, and therefore referred the matter to the Anti-Corruption Prosecutor's Office for possible irregularities.





Case Municipal President

INITIAL MINISTERIAL INVESTIGATION:

- Review of minutes of sessions of the municipality to obtain data on the operations, without obtaining a positive response.
- Review of the Public Registry of Property, where it appears that the Municipality, through the President and the Secretary, sold the 10 transfer of ownership operations in favour of private individuals, with purchase amounts well below the commercial value of the properties, however these payments are not registered in the Municipality's accounts.
- Municipality personnel were interviewed, without information that would help the investigation.
- The declarations of assets of the president and his trusted staff are reviewed to find out their declared income.





Case Municipal President

JUDICIAL PATRIMONIAL INVESTIGATION:

The Control Judge is asked to lift the bank and fiscal secrets of those involved (the President, his trusted staff and the private individuals who bought the land). The banking information yields the following results:

- The president and his secretary of the town council register income to their accounts much higher than what they declare.
- The bank accounts of the purchasers of the land do not show the movements that they supposedly paid to the municipality, in some cases they did not even have a balance.
- The buyers were people of modest means.





Case Municipal President

STATEMENTS:

- The buyers are elderly and low-income people, who claim to have been chosen for economic support of 2,000 pesos from the municipality and that they were given to sign two documents where they received the money (the first turned out to be the deed of sale and the second a power of attorney over the properties in favour of a private third party), they refer to a private third party who acted on behalf of the president to give them the support in cash.





Case Municipal President

JUDICIAL DILIGENCES:

- From the banking information and the financial investigation it is concluded that both the President and the Secretary are guilty of the crime of illicit enrichment, as their income is much higher than what they declare, their financial situation is higher than what they can pay with their salaries and they have links with organised crime, and the sale of the land is a crime of aggravated embezzlement.
- As they are public servants in office, have command of the Municipal Police and have links with organised crime, an arrest warrant is requested against the President, the Secretary and the private third party.
- At the same time, a legal request was made to secure the land (physically and legally) so that it would not be transferred as property during the criminal proceedings.
- Witnesses are provided with protection and security.





Case Municipal President

EXECUTION OF APPRISON ORDERS:

- The president and the private third party are arrested, the secretary manages to escape.
- A public servant close to the president is approached by the Prosecutor's Office to testify on the facts, but is violently killed before he can testify.
- The private third party is offered a reduced sentence (6 years imprisonment out of a possible 60) if he declares his involvement in the events, and accepts it. He declares that the president and the secretary offer him 10% of the value of the land (2 million dollars) for simulating the operations with people of legal age, of limited means and that he could convince them to sign documents without reading them, since they would sign with the deception of receiving municipal support, when in reality they would be the sales and the powers of attorney in favour of the private third party, and with this he would sell the land at a commercial price and would deliver the result of the sale in cash to the president and the secretary.





Case Municipal President

SENTENCES:

- The president is sentenced to 4 years imprisonment for each plot of land, i.e. for 40 years.
- The third private individual was sentenced to 6 years imprisonment.
- The recovery of the land in favour of the Municipality, for a value of 3 million dollars..





Case Municipal President

INTERNATIONAL COOPERATION:

As far as the Secretary is concerned, the Red Card and Migratory Alerts were issued by Interpol, as well as through international cooperation with the HLS of the USA, it was possible to locate the fugitive in that country, while intelligence work and the analysis of telephone behaviour allowed us to conclude that he would return to Mexico for a family event, managing to capture him on the arrival of the party.

The secretary was also sentenced to 40 years in prison.





Case Municipal President

SUMMARY:

The president, the secretary and a private third party, simulated 10 contracts for the purchase and sale of land owned by the municipality, without exhausting the possible legal processes to authorise these sales and the corresponding amounts of value, sold them, deceiving the supposed buyers with the sole purpose of taking possession of the land and then selling it to obtain a profit of 3 million dollars, while committing various crimes such as illicit enrichment.





Case Municipal President

THANK YOU FOR YOUR ATTENTION.

QUESTIONS, DOUBTS OR COMMENTS.

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