

1 THE COURT: That's all right.

2 MS. [REDACTED] I have to also remember the question.

3 THE COURT: Okay.

4 The question is: And in the ledgers, did you
5 document proceeds of drug trafficking, which were allocated to
6 the cartel's payments to Genaro Garcia Luna?

7 That's the question.

8 A Yes, that's right.

9 Q In those spreadsheets, generally, what kinds of amounts
10 of money were documented as being for Genaro Garcia Luna?

11 A The maximum amount that I was able to see, and I even
12 went with Mario Pineda to go hand it over to Rey Zambada, was
13 \$5 million.

14 Q What were some other amounts?

15 A 3 million, 1 million, 1.8 million. Different amounts.

16 Q And did these ledgers refer to Genaro Garcia Luna by his
17 real name?

18 A No, they always referred to Mr. Genaro Garcia Luna with a
19 name they used for him, Tartamudeo or Metralleta.

20 Q And why were those names used?

21 A To hide his name, I imagine, because they said he had a
22 speech problem.

23 Q And what is Metralleta?

24 A That is used to refer to a person who stutters when they
25 speak.

1 documents. Where is the believable evidence of this man's
2 guilt?

3 My name is [REDACTED] and along with [REDACTED]
4 [REDACTED] and [REDACTED]. We are honored
5 to have been appointed by the Court to represent Mr. Genaro
6 Garcia Luna. Helping us as part of our team are our trial
7 assistants [REDACTED] and [REDACTED]. Most
8 importantly, let me introduce to you Genaro Garcia Luna.
9 Who is he? He is not a politician. He's a trained engineer
10 he was a public servant in Mexico for more than 20 years
11 working more than two decades in Mexican national security
12 and public security. He sent his career systematically
13 fighting all kinds the criminal organizations. We talked a
14 bit during jury selection about drugs, and I think it's safe
15 to say that we all agree that drugs destroy our communities.
16 They destroy all communities. And the considerable evidence
17 will show that Mr. Garcia Luna spent his entire public
18 service career trying to keep communities safe from illegal
19 organizations and drugs.

20 Mr. Garcia Luna worked his way up the ranks as
21 Mr. Pilmar said. He started his public service career in
22 1989. From 1989 to 1997, he was first an analyst, then
23 Deputy Director of CISEN; The Center of Investigation and
24 National Security. That's kind of like our NSA. From 1998
25 to 2000, he was a supervisor in the Preventive Federal

1 Police. From 2000 to 2001; he was the Director of Planning
2 and Operations for the Federal Judicial Police. That's
3 called the PJF, you may hear that from the witness stand.
4 Then new president, Vicente Fox Quesada, had Mr. Garcia Luna
5 dissolve the Federal Judicial Police and instead, create the
6 Federal Ministerial Police; tasked with fighting corruption
7 and organized crime. That was known as AFI. You are going
8 to hear that a lot AFI.

9 In an effort to clean up what had been a corrupt
10 organization, Mr. Garcia Luna removed thousands of agents.
11 The federal police reform resulted in the loss of jobs to
12 individuals not meeting higher standards, and we expect you
13 will hear from at least one of those who lost their position
14 because of those higher standards. Who lost their job
15 because of Mr. Garcia Luna.

16 From 2001 to 2006, Mr. Garcia Luna was the
17 Director AFI. In 2006, as the Government said, president
18 Felipe Calderon was elected president in Mexico, and he
19 selected Mr. Garcia Luna to be the minister of public
20 security; a position he held until the Calderon
21 administration ended in 2012.

22 In 2012, Mr. Garcia Luna left the government. In
23 fact, he left Mexico and moved to the United States and
24 became a private citizen.

25 Under President Felipe Calderon, the Mexican

1 A It was the police force that was in charge of dealing
2 with federal crimes. It was what previously known as the
3 judicial federal police.

4 Q Did that federal investigative agency have an acronym or
5 short name that it was commonly referred to by?

6 A Yes.

7 Q What was that?

8 A AFI.

9 Q What was the defendant, Garcia Luna's role in AFI?

10 A He was the AFI director.

11 Q What years did he do that?

12 A From 2000 to 2006.

13 Q You also mentioned the secretary of public security, what
14 is that?

15 A It was a secretariat that President Calderon created as a
16 new agency and it absorbed the previous preventive federal
17 police.

18 Q Generally, what did the secretary of public security have
19 control over in Mexico?

20 A He was national level secretary, the entire country.

21 Q What kinds of things within Mexico did the secretary of
22 public security control?

23 MR. [REDACTED]: Objection.

24 THE COURT: What is the objection?

25 MR. [REDACTED]: Basis.

1 [REDACTED] I am an assistant United States attorney here
2 in the Eastern District of New York. Alongside, my colleagues
3 from the U.S. Attorney's Office, the Drug Enforcement
4 Administration and Homeland Security Investigations, we have
5 the privilege of representing the government in this case.

6 The defendant started his career working for Mexican
7 government intelligence. Over the years, he rose to the
8 ranks, becoming the head of Mexico's premiere law enforcement
9 agency, kind of like our FBI. In 2006, the president of
10 Mexico even appointed the defendant to the presidential
11 cabinet, giving him powers over the whole country's federal
12 police force. He grew his force with tens of thousands of
13 officers under his command. His responsibilities stretched
14 even further from the seaports, to the airports, to the
15 highways. It's actually a little hard for me to explain how
16 powerful he really was because we do not have any law
17 enforcement officers in the United States who have
18 consolidated this much power under them.

19 And you know who knew that better than anyone else?
20 Mexico's most powerful trafficking organization, the Sinaloa
21 Cartel. The Sinaloa Cartel is one of the world's most
22 sophisticated criminal organizations. It buys cocaine in
23 Colombia at cheap prices where it's grown, brings it up into
24 Mexico, and then smuggles it over the border into the
25 United States. The success of the cartel is based on the fact

Zambada - cross - [REDACTED]

1102

1 BY MR. [REDACTED]: (Continuing.)

2 Q And when you talk about corruption, if possible, you
3 would want to -- you, I mean you, Mayo, would want to corrupt
4 probably the local police and go as high as you could in
5 Mexican politics; correct?

6 MS. [REDACTED]: Objection.

7 THE COURT: I will allow that.

8 MS. [REDACTED]: He referred to the witness as
9 Mayo.

10 MR. [REDACTED] I said you and Mayo.

11 THE COURT: No, you did not. Put the question
12 again.

13 BY MR. [REDACTED]:

14 Q When it came to police corruption on behalf of Mayo, you
15 would want to corrupt from the local highway police, federal
16 police; you would want to corrupt as high as you could. Look,
17 if Mayo could corrupt the president of Mexico, he would do it,
18 wouldn't he?

19 A Perhaps.

20 Q And your brother had a particular interest in a person by
21 the name of Garcia Luna; correct?

22 A Correct.

23 Q And from 2001 until approximately 2006 Garcia Luna was in
24 charge of the Agency of Federal Investigation; correct?

25 A Correct.

Zambada - cross - [REDACTED]

1103

1 Q And in 2006, he actually got a cabinet position in
2 Mexican government as the secretary of public security;
3 correct?

4 A Correct.

5 Q What is the secretary of public security?

6 A The person in charge of the federal police.

7 Q And you and your brother Mayo met Luna in a restaurant
8 sometime between 2005 and 2006, do you remember that? Do you
9 remember?

10 A No, not right now.

11 Q Let's see if we can help you.

12 MR. [REDACTED]: May I have Exhibit 28?

13 BY MR. [REDACTED]:

14 Q I'm going to show you for your eyes only Defense Exhibit
15 28.

16 MR. [REDACTED]: I am respectfully going to ask the
17 interpreter to please read the first paragraph --

18 Q Or as much as necessary to refresh your recollection.

19 (Interpreter translates passage.)

20 A I would like you to repeat the first sentence again for
21 me.

22 Q He wants you to repeat it?

23 THE INTERPRETER: Exactly, counselor. The
24 interpreter is just repeating him.

25 THE WITNESS: Say it on the microphone so they can

Zambada - cross - [REDACTED]

1104

1 hear what you are saying.

2 THE COURT: Tell the witness that when she is
3 reading something to him that no one needs to hear it but him.

4 A There's a mistake in what you are saying. You're saying
5 that I met with my brother Mayo with Luna and I met with my
6 brother's attorney with Luna who is Santiago Oscar Paredes and
7 just like that there can be a lot of mistakes with what's
8 written and with the interpretation. I'm just clarifying it
9 for you.

10 Q You met --

11 A No, sir.

12 Q You did not meet -- did you meet with Luna at a
13 restaurant?

14 A That's right.

15 Q Okay. And the purpose of you meeting with Luna at the
16 restaurant was because you were going to bribe him, give him
17 \$3 million in a briefcase; right?

18 A Correct.

19 Q And the purpose of giving Luna the money was because your
20 brother Mayo wanted Vigeras to be the boss in Culiacan, be the
21 police boss in Culiacan; correct?

22 A Correct.

23 Q And that's because your brother Mayo had Vigeras in his
24 right-hand pocket; right?

25 A Correct.

Zambada - cross - [REDACTED]

1105

1 Q And so Luna, this politician, took \$3 million of Mayo's
2 money; correct?

3 A Correct.

4 Q And then there was a second meeting with Luna when he
5 actually was the secretary of public security; correct?

6 A Correct.

7 Q And at this meeting, there was another briefcase;
8 correct?

9 A Correct.

10 Q And at this meeting Luna took that briefcase and in that
11 briefcase was 3 to \$5 million; correct?

12 A Yes, there was money.

13 Q There's money and there's money?

14 A That's right.

15 Q Right. So 3 to 5 million sounds a lot more than 5 to
16 \$10; right?

17 A Yes, of course.

18 Q Right. And, again, this was Mayo's money in 2007,
19 correct, not yours?

20 A Correct.

21 Q In addition, this Luna who was the secretary of public
22 security had a firm commitment with Arturo Beltran-Leyva;
23 correct?

24 A Correct.

25 Q One step back. In giving that money to Luna he was

Zambada - cross - [REDACTED]

1106

1 assuring your brother that he would not interfere with his
2 narcotics trafficking and arresting him; correct?

3 A Correct.

4 Q And in 2006/beginning of 2007 it was your understanding
5 that Arturo Beltran-Leyva, Hector Beltran-Leyva, El Indio, La
6 Barbie and Grande, had put together \$50 million for protection
7 money for Luna; correct?

8 A That was what was being said.

9 Q And in 2005 there is a gentleman by the name of Rajino,
10 R-A-J-I-N-O; correct?

11 A Correct.

12 Q Who is Rajino?

13 A He was the secretary of the government when Lopez Obrador
14 was the secretary of the state of the Government in Mexico
15 City, the state of Mexico.

16 Q What, if any, relationship did Rajino have with Obrador?

17 MS. PARLOVECCHIO: Objection.

18 THE COURT: Sustained.

19 Q How much money was paid to Rajino in 2005?

20 A I'm not sure but it was a few million dollars.

21 Q And why was it paid?

22 A It was paid to him because he was said to be the next
23 secretary of security and if that were the case it was for our
24 protection.

25 Q Thank you. Let me ask you just a couple of more

1 the National Minister of Public Security; who would be in
2 charge of the federal police and the federal prisons, and
3 would also be the public face for that war. And as I
4 mentioned from 2006 to 2012, that was Mr. Garcia Luna. The
5 face to that war.

6 As Minister of Public Security, Mr. Garcia Luna
7 would be that very public face of the war, and it would be
8 extremely dangerous. He would be the public face of a
9 dangerous war against very, very dangerous and powerful
10 people. He would make enemies on every possible side. He
11 would be a target for all criminals, all of them. He would
12 be the enemy of all of the cartels. An enemy of those
13 police working with and for the cartels. He would also be
14 the enemy of the politicians who did not support the efforts
15 or would were corrupt himself. He would need a full-time
16 and substantial security detail. Nonetheless, Mr. Garcia
17 Luna had the courage to accept that assignment.

18 Mr. Garcia Luna was tasked with coordinating all
19 of Mexico's efforts under, most importantly, under the
20 Merida Initiative initiate. Under that role, he strategized
21 with U.S. officials at the most senior levels. The head of
22 the DEA, Karen Tandy; Administrator of the DEA and Genaro
23 Garcia Luna. The attorney general. Genaro Garcia Luna and
24 Eric Holder, the United States Attorney General. Homeland
25 Security, FBI, Congress. This is Genaro Garcia Luna and

1 Q And who was Cardenas Palomino?

2 A He was like Garcia Luna's right-hand man.

3 Q Did he work at AFI?

4 A Yes.

5 Q And do you know his full name?

6 A I think it's Luis Cardenas Palomino.

7 Q And if I could, I would like to show you on the screen
8 what's marked as Government Exhibit 2 for identification.

9 Do you recognize this person?

10 A Yes.

11 Q And who is that?

12 A Luis Cardenas Palomino.

13 MR. [REDACTED]: No objection.

14 THE COURT: Did you say no objection?

15 MR. [REDACTED]: No objection.

16 THE COURT: Received.

17 (Government's Exhibit 2 received in evidence.)

18 MS. [REDACTED]: If we could just publish it.

19 Thank you.

20 (Exhibit published.)

21 Q So how was Arturo Beltran in touch with
22 Genaro Garcia Luna back in 2001 when you first started working
23 with Arturo?

24 A Oh, by using radios.

25 Q And what do you mean by radios?

1 A U.S. dollars.

2 Q What denominations, if you know?

3 A 100-dollar bills.

4 Q How was it packaged?

5 A I would make bundles of \$10,000. They were tied with a
6 band, and so there would be packets of 10,000. So five of
7 these bundles would make these packets of 50,000.

8 Q Then what kind of container was it in?

9 A They are black bags. We call them chorizos in Mexico,
10 like a duffel bag for luggage.

11 Q Were black bags used to give money to the defendant at
12 this first meeting?

13 A Yes.

14 Q Where within the house did the defendant spend time
15 during this meeting, referring to 405?

16 A Both in the dining room and in the living room; but he
17 spent a longer amount of time in the living room.

18 Q If I can, I'd like to go back to Government Exhibit 2 in
19 evidence. And can you remind us who this is?

20 A Luis Cardenas Palomino.

21 Q Who is that?

22 A Garcia Luna's right-hand man, also a high-level
23 Government official.

24 Q Was he present at the meeting you just described?

25 A Yes.

1 Q What was his role in Government at that time?

2 A At that time he was an area director for AFI, but I don't
3 remember which specific area it was.

4 MS. [REDACTED]: With the Court's indulgence I'll come up
5 to our board?

6 THE COURT: Yes.

7 MS. [REDACTED]: Thank you.

8 BY MS. [REDACTED]:

9 Q After the meeting that you described just now, were you
10 ever present for other meetings with the defendant?

11 A Yes.

12 Q Where were those?

13 A Normally they would be at that house.

14 Q Were they ever at other locations?

15 A I'm not sure.

16 Q About how frequently did you see the defendant meet with
17 Arturo Beltran?

18 A It would be about once a month on average.

19 Q I believe you said the first meeting you attended was
20 around 2004; is that right?

21 A Yes.

22 Q About how long did this go on for these regular or
23 semi-regular meetings with the defendant?

24 A They would last quite a while, three or four hours,
25 sometimes longer.

1 A The amount and the form of payment did change.

2 Q How did they change?

3 A That he no longer went to the ready alert meetings with
4 Arturo as he used to do six months before that murder.

5 Q And if he wasn't coming to in-person meetings with
6 Arturo Beltran, how did Arturo pay the defendant?

7 A Through Cardenas Palomino.

8 Q Did Arturo Beltran meet with Cardenas Palomino after the
9 defendant became the head of the secretariat of public
10 security?

11 A Yes.

12 Q How often did he meet with Cardenas Palomino after that?

13 A On average, once a month.

14 Q And where did those meetings occur?

15 A In safe houses.

16 Q And how -- what would happen at those meetings?

17 A Same thing. They would eat, they would chat, they would
18 talk about problems that were coming up, and those problems
19 were solved.

20 Q And how did Arturo pay Cardenas Palomino at those
21 meetings?

22 A Same way as before, with black bags full of money.

23 Q I believe you mentioned earlier that the amount of money
24 that was being paid to the defendant changed after he became
25 of the -- after he became the secretariat of public security?

1 Q And how long were you on that assignment for?

2 A Three years.

3 Q Where did you go after that?

4 A To the regional security division.

5 Q What is the regional security division?

6 A It's a division of the federal police that provides
7 security on highways and at airports.

8 Q And where specifically were you assigned when you were
9 working in the regional security division?

10 A At the Mexico City Airport.

11 Q And what year did you start at the Mexico City Airport?

12 A I was there in 2007.

13 Q Who was the head of regional security in 2007?

14 A Ramon Pequeno.

15 MS. [REDACTED]: I would like to show the witness what
16 has been marked for identification as Government Exhibit 3.

17 Q Do you recognize the person in this photo?

18 A Yes.

19 Q Who is it?

20 A It's a photo of Ramon Pequeno.

21 Q Have you seen him in person before?

22 A No.

23 Q Have you seen him at ceremonies before?

24 A Yes.

25 Q Is this photo a fair and accurate depiction of Ramon

1 Pequeno?

2 A Yes.

3 MS. [REDACTED]: I'd move to admit and publish.

4 MR. [REDACTED]: No objection.

5 THE COURT: Received.

6 (Government's Exhibit 3 received in evidence.)

7 Q Who did Ramon Pequeno report to?

8 A To Commissioner Facundo Rosas Rosas and to the Secretary
9 Genaro Garcia Luna.

10 MS. [REDACTED]: You can take the exhibit down, Ms.

11 [REDACTED]. Thank you.

12 Q In 2007, approximately how many law enforcement officers
13 were there in the federal police?

14 A There were approximately -- there had to have been about
15 40,000 agents.

16 Q Who was the head of airports within regional security
17 when you started working at the Mexico City Airport?

18 A It was Oscar Moreno Villatoro.

19 Q And Oscar Moreno Villatoro report to?

20 A To Ramon Pequeno.

21 Q How long was Ramon Pequeno the head of regional security?

22 A He was replaced by Luis Cardenas Palomino in 2009.

23 MS. [REDACTED]: Showing the witness what's in evidence
24 as Government Exhibit 2.

25 Q Do you recognize the person in this photo?

1 A Yes.

2 Q Who is it?

3 A Luis Cardenas Palomino.

4 Q When Cardenas Palomino became the head of regional
5 security for the federal police, who did he report to?

6 A To Commissioner Facundo Rosas Rosas and to the Secretary
7 of Security, Genaro Garcia Luna.

8 MS. [REDACTED] Ms. [REDACTED] you can take the Exhibit
9 down.

10 Q Mr. Arellano, what was your role at the Mexico City
11 Airport?

12 A I performed surveillance, and I had to provide security
13 for passengers.

14 Q When you worked there, how many terminals did the Mexico
15 City Airport have?

16 A Two terminals.

17 Q How did the Mexico City Airport compare in size to other
18 airports in Mexico?

19 A The Mexico City Airport was a lot -- well, it had the
20 highest flow for flights.

21 MS. [REDACTED]: I would like show the witness only what
22 has been marked for identification as Government Exhibits 306,
23 307, 308, and 309.

24 Q And, sir, when you have had a chance to review each
25 photo, just let me know you're ready for the next one. So

1 this is 306.

2 A Okay.

3 Q 307.

4 A Okay.

5 Q 308.

6 A Okay.

7 Q And 309.

8 A Okay.

9 MR. [REDACTED]: We have no objection to these.

10 THE COURT: All right. Received.

11 (Government's Exhibits 306, 307, 308 and 309
12 received in evidence.)

13 Q Starting with Government 306, what are we looking at
14 here?

15 A It's the entrance to Terminal 2 at the Mexico City
16 Airport.

17 Q Moving to Government Exhibit 307, what are we looking at
18 here?

19 A It's an aerial shot of Terminal 2.

20 Q Moving on to Government Exhibit 308, what is this?

21 A This is where the planes park in Terminal 2.

22 Q And Government Exhibit 309.

23 A This is where the planes come in, in Terminal 2.

24 Q How many days a week did you work at the airport?

25 A I would work 25 consecutive days, and I would rest five

1 days.

2 Q On the days that you were working, how many hours did you
3 work in a day?

4 A Eight hours.

5 Q What was your salary?

6 A About 8,000 pesos biweekly.

7 Q Can you describe a typical shift at the airport from
8 start to finish?

9 A Yes. We would show up, and we would be ready for roll
10 call. We would wait for instructions from the bosses; and
11 then we would go to the different areas at the airport
12 depending on the area that had been assigned to us.

13 Q What was the purpose of the federal police presence at
14 the Mexico City Airport?

15 MR. [REDACTED] Objection.

16 THE COURT: I'll allow it.

17 A To do surveillance and provide security for the
18 passengers.

19 Q Can you describe the layout of the Mexico City Airport?

20 A It Had four areas. You had the transit area, which
21 entailed the main entrances; you had the screening area where
22 you check baggage for flights; the waiting gate areas when you
23 waited for the planes; and the tarmac platforms, which is
24 where the airplanes are.

25 Q These areas that you described, how many do the federal

1 police cover?

2 A All of them.

3 Q During that time you worked at the airport, what was the
4 biggest security threat the airport was facing?

5 MR. [REDACTED]: Objection.

6 THE COURT: Overruled.

7 A The illegal traffic of merchandise.

8 Q What sort of merchandise?

9 A Drug, drugs, money and weapon.

10 Q -- how do you know?

11 A Those were part of instruction that is we would receive
12 from our bosses letting us know that we should be on the look
13 out for the type of illegal merchandise.

14 Q What, if anything, did you observe with respect to drug
15 trafficking at the Mexico City Airport?

16 A As time went by, I realized that it was happening.

17 Q What did you realize?

18 A They would give us a weird order by the radio. So this
19 order would tell us that for some time it would say by 45, all
20 in 35, which meant until further order we had to be on standby
21 and that was an order that came from the higher-ups.

22 We couldn't carry out any revisions, any arrests,
23 anything at all; we just had to be there on standby.

24 Q What is the significance of 45 and 35?

25 A We handled codes that we had learned since we joined the

1 police. 45 meant by an order from the higher ups.

2 And 35 meant to be on standby.

3 Q Where did you learn these codes?

4 A At the federal police training academy.

5 Q How often were standby command issued?

6 A Once or twice per week.

7 Q What, if anything, did you observe about the standby
8 orders and the arrival of certain flights?

9 A I observed that some colleagues ignored these orders and
10 they would leave and they didn't have any issues. And this
11 was right around the time of certain flights coming in from
12 South America and also taking off to the United States and
13 Europe.

14 Q What were you supposed to do when a standby order was
15 issued?

16 A I had to stay in my area without being able to conduct
17 any revisions or any arrests.

18 Q How did you react to that order?

19 A It was a weird order.

20 (Continued on next page.)

21

22

23

24

25

1 vest as possible?

2 A Completely.

3 Q And why is that?

4 A Because it's a high potential of the information being
5 exposed or leaked.

6 Q Is that something you did throughout your time in Mexico?

7 A Yes.

8 MR. [REDACTED]: I'd like to show for the witness what's
9 in evidence as Government Exhibit 3.

10 Q Do you recognize this person?

11 A I do.

12 Q Who is it?

13 A His name is Ramon Pequeno.

14 Q What was his role?

15 A When I was working with SSP, he was a director of the
16 narcotics division.

17 Q How often did you see him?

18 A Almost weekly or biweekly.

19 Q Why did you see him so often?

20 A I worked with his -- with the SIU and the SIU fell under
21 his division.

22 Q What's the SIU?

23 A The SIU is the Sensitive Investigation Unit.

24 Q What did they do, the SIU?

25 A The SIU are officers, police officers from the host

1 nation that are trained and vetted by us and polygraphed, and
2 we work exclusively with them as far as investigations.

3 Q Even though they were vetted and polygraphed, did you
4 still have to be careful what information you shared with
5 them?

6 A Yes.

7 Q Why is that?

8 A Because there's always a potential of information being
9 leaked.

10 Q Did Ramon Pequeno speak to you about his boss?

11 A Yes.

12 Q Who was that?

13 A Genaro Garcia Luna.

14 Q Did Ramon Pequeno have unique facial features?

15 A He did.

16 Q What is that?

17 A He had a large mark on his cheek.

18 Q So what kind of things would you talk to Ramon Pequeno
19 about?

20 A Operations, investigations, targets.

21 Q And to be clear, are those drug trafficking targets?

22 A Correct.

23 MR. [REDACTED]: I'd like to show the witness what's in
24 evidence as Government Exhibit 18.

25 THE COURT: You would like to show the witness?

1 nation that are trained and vetted by us and polygraphed, and
2 we work exclusively with them as far as investigations.

3 Q Even though they were vetted and polygraphed, did you
4 still have to be careful what information you shared with
5 them?

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9 leaked.

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19 about?

20 A Operations, investigations, targets.

21 Q And to be clear, are those drug trafficking targets?

22 A Correct.

23 MR. [REDACTED]: I'd like to show the witness what's in
24 evidence as Government Exhibit 18.

25 THE COURT: You would like to show the witness?

CLASSIFICATION: UNCLASSIFIED
Page 1 of 10

RELEASED IN PART
B5,B7(E),B6

From: svcsmartmfi
Sent: 12/15/2009 6:09:20 PM
To: SMART Core
Subject: NARCOTICS AFFAIRS SECTION MEXICO MONTHLY REPORT FOR NOVEMBER 2009

UNCLASSIFIED
Sensitive



MRN: 09 MEXICO 3555
Date/DTG: Dec 15, 2009 / 152303Z DEC 09
From: AMEMBASSY MEXICO
Action: WASHDC, SECSTATE ROUTINE
E.O.: 12958
TAGS: SNAR, KCRM, KJUS, PGOV, PREL, MX
Captions: SENSITIVE
Sensitivity: Sensitive
Reference: A. MEXICO 3208 REF: B: Mexico 3365
Pass Line: STATE FOR INL AND WHA/MEX
TREASURY FOR ENFORCEMENT SECRETARY
DOJ FOR BSWARTZ/KBLANCO DEP ASSIST ATTY GEN
FBI DIR FOR LA/CU, OC/DB, OIU, CID
DEA FOR OD, OF, OFC, AO, DO, NPSM
CUSTOMS FOR LA OPS AND FOR OIA/WHB
Subject: NARCOTICS AFFAIRS SECTION MEXICO MONTHLY REPORT FOR NOVEMBER 2009

UNCLAS MEXICO 003555

SENSITIVE

STATE FOR INL AND WHA/MEX
TREASURY FOR ENFORCEMENT SECRETARY
DOJ FOR BSWARTZ/KBLANCO DEP ASSIST ATTY GEN
FBI DIR FOR LA/CU, OC/DB, OIU, CID
DEA FOR OD, OF, OFC, AO, DO, NPSM
CUSTOMS FOR LA OPS AND FOR OIA/WHB

E.O. 12958: N/A
TAGS: SNAR, KCRM, KJUS, PGOV, PREL, MX
SUBJECT: NARCOTICS AFFAIRS SECTION MEXICO MONTHLY REPORT FOR
NOVEMBER 2009

REF: A. MEXICO 3208
REF: B: Mexico 3365

1. (SBU) THIS CABLE IS SENSITIVE BUT UNCLASSIFIED

ISSUES FOR INL - WASHINGTON

REVIEW AUTHORITY: Alan Flanigan, Senior Reviewer

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2. (SBU) 265 Buildout: We understand the timeline for the buildout of 265 Reform is beginning to drift again and could move several months to the right. Request Washington keep pressure on OBO to ensure this does not happen.



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INTERNAL DEVELOPMENTS

3. (SBU) INCREASING VIOLENCE: At the close of the third year of Calderon's administration and days shy of the third anniversary of the war against the DTOs, media sources tallied nearly 16,000 organized crime-related casualties. November showed a decline in murders with approximately 682 deaths, a marked reduction against the prior 5 months, but near the average for 2009.

4. (SBU) High impact crimes continued in November, to include the murder of the Secretary of Public Security for Garcia, Nuevo Leon, retired Brigadier General Juan Arturo Esparza, four days after his appointment. In neighboring Escobedo, Nuevo Leon, the Secretary of Public Security resigned after just a few hours in office due to intimidation. More than half of the 51 municipal Security Secretary positions in the state of Nuevo Leon remain vacant. The states of Zacatecas, Morelos, Guerrero and Durango reported direct attacks against law enforcement facilities, most perpetuated with grenades and high-powered automatic weapons. Coordinated retaliation attacks following a high profile arrest November 20 in Celaya, reminiscent of the July 11 attacks in Michoacan, were reported against eight PGR and municipal police facilities.

5. (SBU) PUBLIC PERCEPTION: A national poll carried out in November measuring public perception at the end of Calderon's third year showed an increase in public frustration with the current security strategy. In a speech to mark the milestone, the President highlighted accomplishments to date, further noting that the strengthening of institutions has made headway. In later interviews Calderon highlighted public perception as one of his biggest challenges.

6. (SBU) STRATEGY: Defense Secretary Galvan Galvan met with Senate leaders November 25 to lobby for legislation proposed earlier this year by the executive to define SEDENA's role in civil policing efforts and set penalties for troops who defect to join the ranks of organized crime. Galvan also made mention of yet another initiative to merge SEDENA and SEMAR under the premise of combating organized crime.

7. (SBU) While top officials acknowledge merging the two Secretariats is low on the list of priorities, Secretary Garcia Luna's initiative to merge state and municipal police forces has some support. Officials in the states of Durango have made clear intentions to bring all 41 of the state's police forces under the wing of state leadership and expect to have a framework to do so before the state legislature in mid-December. Security Secretary of Nuevo Leon Carlos Jauregui has also acknowledged that his state is

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poised to do the same. Significantly, the governors of Michoacan, DF, Chihuahua, Veracruz, Oaxaca, Durango, and Mexico, states which represent a majority of the Mexican Congress have all indicated that they would support such a merger. Both the National Public Security Council and the National Conference of Governors expect to convene commissions in the coming months to analyze and debate current and future police models.

8. (SBU) The inability of both the military and police to subdue cartel violence has given rise to an array of desperate measures. The Ciudad Juarez business community issued statements earlier in the month calling for the deployment of UN peacekeeping troops to their city, much to the chagrin of federal leaders. The venture was roundly rejected by the GOM and the UN itself, but UNODC representatives have expressed interest in offering the city other forms of assistance. Recent isolated incidences of vigilante justice have also been interpreted as further indicators of waning confidence. The near lynching of kidnapping suspects in the State of Mexico and the evolving row over the suspected participation of San Pedro Garza's mayor in the murder of a kidnapping ring leader have raised the profile of the issue(ref. A).

9. (SBU) Creating productive mechanisms for community participation is a tall order that most agree must be filled before the country's security apparatus will move forward. Recent forums, including those hosted by SRE on the Merida Initiative and a broader event by the International Republican Institute and the National Autonomous University (ref. B), show growing interest and a willingness to engage on security issues. The National Association of Citizen Participation Councils also held a national event on media and citizen participation which served as a launch pad for a new anonymous online system to report crimes (<http://notedejes.mx/>). Participants revealed a related project underway with the nation's largest wireless provider for reporting crime via free and anonymous text messaging. Similar efforts announced by Ciudad Juarez' mayor this month will initiate a Crime Stoppers program in the coming months and is expected to outsource calls across the border to El Paso. Anonymity is of particular concern in Mexico, given a founded wariness of reprisals from both criminals and authorities on the take.

10. (SBU) ARRESTS: Mexico extradited five wanted criminals to the US during November, bringing the 2009 total to 107. High profile arrests in the course of the month include Cristobal Altamirano Pinon, suspected leader of La Familia cartel in Guanajuato and Antonio Daniel Villegas Vazquez "El 20", Tampico Zetas plaza boss. Suspected boss of the Zetas Veracruz plaza, Braulio Aurellano Dominguez "El Gonzo," was killed during a shootout with SEMAR troops. Statistics on organized crime-related arrests released in November under a freedom of information request show that of the 226,677 individuals detained from January 2007 through September 2009 only 33,470 received sentences.

----- MERIDA INITIATIVE -----

11. (U) The Merida Initiative Bilateral Implementation meeting was held on November 4 at SRE. In addition to updating the USG and GOM representatives on the status of each project, the GOM briefed on the new database and project tracking system that would be implemented at the end of November.

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12. (U) Senior officials from the U.S. and Mexico met on November 18 to discuss Pillars II (Institution building), and Pillar IV (Building Resilient Communities) of the new Merida bilateral strategy. The two sides discussed programs and joint engagement on internal controls ("control de confianza"), state and local capacity building, human rights, drug demand reduction, socio-economic factors related to crime and criminality, and judicial reform. Similar high level meetings were held on October 28 in Washington to discuss disruption of drug trafficking organizations and creating a

21st century border.

INTERDICTION

13. (SBU) Major drug seizures in the month of November:

--11/1 - Comalapa, Chiapas: Military forces seized 10 kilograms of cocaine at a highway checkpoint.
 --11/2 - Ciudad Victoria, Tamaulipas or Nuevo Laredo, Nuevo Leon: Military forces seized \$1.15M secreted aboard a passenger vehicle.
 --11/3 - Nuevo Laredo, Tamaulipas: Military forces seizure of 1,550 kilograms of marijuana
 --11/4 - Navojoa, Sonora: Seizure of 48 kilograms of marijuana secreted aboard a passenger bus.
 --11/5 - Tamborillo, Chihuahua: Seizure of 203 kilograms of opium gum, the largest seizure of opium in Mexican history.
 --11/5 - Ciudad Juarez, Chihuahua: Military forces seized a small arsenal and approximately 300 kilograms of marijuana.
 --11/5 - Hostotipaquillo, Jalisco: State and municipal police forces seized approximately one ton of marijuana.
 --11/5 - Division del Norte, Michoacan: Military forces seized a clandestine laboratory and approximately 300 liters of precursor chemicals.
 --11/6 - Empalme, Sonora: Military forces seized 280 kilograms of marijuana
 --11/8 - San Luis Rio Colorado - Military checkpoint seizure of 105 kilograms of cocaine secreted aboard two freight trucks.
 --11/8 - Villanueva, Zacatecas: Military forces reported the eradication of a 20,000 square meter marijuana cultivation and seizure of 300 kilograms of the same drug on the premises.
 --11/8 - Zapopan, Jalisco: Seizure of 318 kilograms of marijuana secreted aboard a passenger vehicle.
 --11/9 - Mexicali, Baja California: Seizure of 900 kilograms of marijuana.
 --11/9 - San Juanito Escobedo, Jalisco: Rural and Municipal police forces eradicated approximately 16,800 square meters of marijuana cultivation.
 --11/10 - Techaluta, Jalisco: State police forces seized 20 kilograms of crystal meth which led to the seizure of a clandestine laboratory.
 --11/11 - Tijuana, Baja California: Military forces seized 198 kilograms of marijuana.
 --11/12 - Culiacan, Sinaloa: Military forces seized a clandestine laboratory and 1,650 kilograms of granulated crystal meth as well as 470 liters of the same substance in liquid form.
 --11/14 - Las Cruces, Michoacan: Military forces seized two clandestine laboratories
 --11/14 - Choix, Sinaloa: Military forces seized 12,328 kilograms of marijuana.
 --11/15 - Reynosa, Tamaulipas: Military forces seized 3,091 kilograms of marijuana.
 --11/15 - Huichapan, Hidalgo: Military forces discovered a

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clandestine laboratory.

--11/16 - Villa Madero, Michoacan: Military forces discovered two clandestine labs.

--11/16 - Reynosa, Tamaulipas: Military forces seized 667 kilograms of marijuana

--11/16 - Tlaquepaque, Jalisco: Military forces discovered a clandestine laboratory

--11/17 - Janos, Chihuahua: Two seizures carried out by Military forces at checkpoints yielded 8,035 kilograms of marijuana secreted aboard three commercial freight trucks.

--11/18 - Camargo, Tamaulipas: Military forces seized 462 kilograms of marijuana aboard an abandoned vehicle.

--11/18 - Tijuana, Baja California: Military forces seized 2,229 kilograms of marijuana at a highway checkpoint.

--11/18 - Coapango, Guerrero: Military forces seized a clandestine laboratory and a small amount of heroin and opium.

--11/19 - Hostotipaquillo, Jalisco: State and municipal police forces seized 224 kilograms of marijuana.

--11/19 - Tlaquepaque: Citizen reports led to the seizure of 1,152 kilograms of marijuana.

--11/19 - Urapan, Michoacan: Seizure of a warehouse containing approximately 3.5 tons of suspected precursor chemicals.

--11/18 - Urique, Chihuahua: Military forces seized 3,251 kilograms of marijuana following citizen reports.

--11/22 - Arroyo Seco, Guerrero: Military forces seized 3,742 kilograms of marijuana.

--11/22 - Pueblo Nuevo, Durango: Military force eradicated 7,000 square meters of marijuana cultivation and seized 325 kilograms of marijuana.

--11/24 - Tijuana, Baja California: Military forces seized 2,894 kilograms of marijuana secreted aboard a freight truck.

--11/24 - Pueblo Viejo, Michoacan: Military forces discovered a clandestine lab seizing 46 kilograms of crystal meth, 194 kilograms of ephedrine and other precursor chemicals.

--11/27 - Reynosa, Tamaulipas: Seizure of 900 kilograms of marijuana hidden in a wooded area.

--11/27 - Toluca, Jalisco: Seizure of a clandestine laboratory and over one ton of precursor chemicals.

--11/28 - Reynosa, Tamaulipas: Seizure of 6,100 kilograms of marijuana hidden in a wooded area.

--11/29 - Desierto del Altar, Sonora: Military forces discovered 1,700 kilograms of marijuana.

PROFESSIONALIZATION AND TRAINING

14. (SBU) Currently there are 43 International and 45 Mexican instructors training 985 Basic Investigation students. Instruction is currently being delivered to Phases IV, V and VI. The school is scheduled to close on 19 December and reopen on the 4th of January 2010 to complete the last of Phase VI. It is estimated given the current recruitment of personnel that at the end of Phase VI we should have 3,050 students trained. Given that there is currently a "continuing resolution" on funding additional investigators we are planning to focus on conducting a train the trainer program in January until the Basic Investigator program re-starts.

15. (SBU) SSP MANUALS PROJECT: The Task Order Requirement for the initial survey with the SSP to help design the manuals project has been sent to INL/RM. This initial 30-day survey will develop a plan for addressing the review and editing of up to 120 manuals for the SSP.

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16. (SBU) ANTI-KIDNAPPING UNITS: Thirty state police officers completed three weeks of specialized training in anti-kidnapping in Florida.

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The GOM is actively working to establish units in each of the 32 states.

17. (SBU) SSP UNDERCOVER TRAINING: DHS/ICE conducted a two-week Undercover Training course for 42 SSP Agents Nov. 2 - 13, 2009. This course was intended to teach the SSP agents the basic concepts of undercover operations, situational awareness, handling informants, surveillance, operational security, intelligence gathering and basic SRT tactics.

18. (SBU) GRUPOS BETA: DHS/CBP conducted two two-week Border Search and Rescue Training (BORSTAR) courses for 44 Mexican Immigration (INAMI) agents. The NAS-sponsored Merida Initiative program was designed to equip these counterparts with the needed skills to provide better assistance to migrants that find themselves in precarious situations. Grupo Beta and BORSATR Agents will also be able to talk in the same language and participate in coordinated exercises and operations.

19. (SBU) SSP SENIOR LEVEL COURSE: Forty Five SSP senior leaders

graduated in a well-attended ceremony at Quantico November 6. They are on to Ottawa for further training.

CORRECTIONS SYSTEMS REFORM PROJECT

20. (SBU) TRAINING: On November 20th, 2009, 25 SSP Classification Staff finished six weeks of training in Colorado. The training focused on the classification and reintegration process and assisted participants in the development of procedures and instruments for the Mexican classification system. Participants also received a Train-the-Trainer course. The third Corrections Instructor course continues at the New Mexico Corrections Academy. This class also includes 19 Guatemalan prison officials.

21. (SBU) EQUIPMENT: Training Equipment for the Xalapa Penitentiary Academy was exported Nov. 17. This first shipment, valued at \$39,490 included blocking dummies, training arms and protective gear to aid the Academy in the formation of Mexico's new cadre of corrections offices. The second part of the training equipment is expected in December. RPSO recently signed the contract for 10 transportation vans with security transport insert. They will be delivered in February 2010.

NON-INTRUSIVE INSPECTION EQUIPMENT

22. (SBU) TRAINING: NAS-financed 10-day Basic Ion Scanner Operator training for 60 SEDENA troops ended Nov. 18. The 60 troops will operate the 30 vapor tracer units NAS purchased for SEDENA under the Merida Initiative.

23. EQUIPMENT: Purchase Order for 19 mobile gamma radiation Vehicle and Cargo Inspection Systems (VACIS) trucks for the SSP (18) and SEDENA (1) under Merida Initiative funding was signed November 27.

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Award of the contract (to Company A) followed resolution by the USG of an official protest against the competing company (Company B) initially awarded the contract last August for the 19 vehicles in question. However, Company B filed a counter protest in early December against Company A. This contract is pending resolution procedures set to begin in early January 2010.

JUSTICE PROGRAMS

24. (SBU)

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to assist these agencies with judicial wiretaps. An Assistant U.S. Attorney is also in Mexico City assessing training needs and logistics for the upcoming Trial Advocacy course set for December 7-11 at INACIPE.

INTERNAL CONTROLS

25. (SBU) 2.5 million dollars in procurement of polygraph equipment to improve the polygraph capabilities of CISEN, SSP, SAT, INAMI and PGR is in progress.

IT PROGRAMS

26. (SBU) INAMI (National Migration Institute): A technical review visit to three migration points of entry along the Mexican southern border has been finalized. Delivery, installation, training, and full operational status of biometric equipment in Ciudad Hidalgo and Talisman have been accomplished. Biometric fusion has proven to be a successful solution with a 3 minute average time for capture of

biographic, facial, iris, and fingerprints by INAMI officers. However, much remains to be done – physical security is virtually non-existent and current traveler enrollment is done on a volunteer basis.

27. (SBU) SSP CRUCES PROJECT: NAS contractor initiated a test bed study to evaluate available solutions that meet SSP requirements in Plataforma Mexico for a quantitative analysis tools to analyze large volumes of information with SSP's database. The evaluation will conclude on December 23, 2009.

28. (SBU) PRG JUSTICIA EFECTIVA PARA TODOS (JET) (formally CONSTANZA): Phase 1 of the \$25 million project to provide database administration and system management software was completed on December 4. Initial concurrence on the NAS contractor's findings have been accepted by the GOM. Acceptance of the requirements by the PGR Oficial Mayor is in abeyance until PGR has concurrence from Presidencia.

29. (SBU) NAS efforts in the PGR JET project are not to assess the overall system but rather to validate and purchase the needed database administration software - Oracle, RedHat, VmWare. The GOM technical approach appears to be very solid for overall system operation and database architecture. Additionally, the modular approach will allow the PGR to incorporate modifications dictated by the evolving judicial procedures under oral argumentation. The schedule of the PGR is very ambitious but achievable. There will be

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a massive training effort undertaken by the PGR in closely coordinated in conjunction with the rollout of the software.

30. (SBU) The key next date for the JET project is December 11th when NAS will submit to RPSO the delivery reports. RPSO will have limited time to issue the notice to proceed to the contractors to acquire the software. This is critical as the value added tax in Mexico increases from 15% to 16% on January 1, 2010 representing at least a \$250,000 cost increase in the project.

31. (SBU) SSP NATIONAL COMMAND AND CONTROL CENTER: Ambassador Pascual led the US Embassy team at the inauguration ceremony of the "Bunker" on November 24, 2009. There were some 500 hundred invited guests along the President of Mexico and other distinguished Mexican Government dignitaries and prominent Mexican businessmen. The 7,000 square meter facility will serve as the information operations headquarters of Plataforma Mexico connecting more than 600 points throughout the country to include 169 Federal Police stations. USG-provided software technologies will enable SSP to develop a new uniform and standardized "National Response Framework" for multiagency coordination and communications to protect and to perform the critical functions immediately following a disaster. This Center puts Mexico ahead of other developed countries in emergency preparedness and law enforcement "during and after" all-hazard incidents (natural or man-made) across all affected geographic areas and law enforcement agencies at a national level.

32. (SBU) The objective of the USG-sponsored assistance is to empower SSP with standardized core competencies (similar to DHS, DOJ and FEMA agencies in US) in incident management processes, protocols, law and order enforcement procedure and other business information functions. The Center will enable the SSP to respond swiftly and effectively using consistent procedures, common incident language, standardized communication protocols and have the same understanding of the situation (common situational awareness) and the operating picture at the national command center.

33. (SBU) PLATAFORMA MEXICO - LINK ANALYSIS: [REDACTED]

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[REDACTED] The project has the objective of preparing and observing a proof of concept to analyze the results of a controlled test to validate the requirements and functionality of all the different proposed solutions integration with SSP's database, information indexing, search capacity, generation and

elaboration of categories for searches and perpetual searches. The tests with five possible vendors began in November will be completed before mid January 2010. NAS estimates that the chosen software package may cost as much as \$7,000,000.

CANINES

34. (SBU) NAS and SSP finalized plans for the remainder of FY2008 Merida Initiative funds, which will include the procurement of training and veterinary equipment. NAS is awaiting the design of the SSP Canine Facility in Mexico City, expected mid-December for the renovation and installation of additional kennels. Plans for the Canine Academy scheduled to be constructed in Tepic, Nayerit, are being finalized. NAS has agreed to provide support in the renovation of kennels, technical assistance and equipment. To meet the increasing demand for explosive and firearm detection canines,

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SSP will be sending 8 handlers to the ATF Explosive Detection course, scheduled to begin February 15, 2010. This course will also include a Train-the-trainer course, which will begin Jan 4.

35. (SBU) NAS has finalized plans with CBP in preparation for Mexican Customs canine training initiative. The first of three courses for Basic Narcotics detection will begin January 18, with a train-the-trainer course. This initiative will train 44 Mexican Custom handlers/canine teams in narcotics, firearms and contraband detection.

Culture of Lawfulness

36. (SBU) In November, NSIC focused on two main programmatic area- Expansion of the integrity/rule of law education program with the Federal police; and ensuring continuity of existing culture of lawfulness programs in the northern border state of Nuevo Lesn.

37. (SBU) In cooperation with the NGO Mexico Unido Contra la Delincuencia (MUCD), NSIC developed the first draft of a 20-hour curricula for existing Federal Police agents to enhance their support for the rule of law. This complements the existing culture of lawfulness course for new cadets. The course outline was completed and submitted to the SSP for review. The overall curriculum, instructor manual, and student handbook are scheduled to be completed during the first quarter of 2010.

38. (SBU) NSIC, with the assistance of the US Consulate, also secured support for the continuity of multisector culture of lawfulness programs in the northern border state of Nuevo Lesn. NSIC [redacted] met with the new Governor (Rodrigo Medina), his General Secretary, Chief of Staff, as well as the new Secretaries of Public Security, Attorney General, and Education. They explained the overall CoL approach and the scope of educational activities already underway in Nuevo Lesn. The Governor endorsed the principle of continuing existing CoL educational initiatives and instructed the Secretary of Public Security, Attorney General, and Secretary of Education to follow-up. NSIC also met with private sector and university leaders to introduce them to the culture of lawfulness approach and secure their support for a multisector initiative.

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DEMAND REDUCTION

39. (SBU) DOS/NAS partners National Council against Addictions CONADIC and Addiction Treatment Youth Centers CIJ participated in the 12th Latin American Conference of Therapeutic Communities in Veracruz. Mexico highlighted the importance of national leadership in the design of demand reduction strategies and called for the adoption of nation-wide, scientifically sound clinical trials to

provide a scientific basis for drug abuse policies. These two objectives are being supported directly by NAS in Mexico.

AVIATION PROGRAM

40. (SBU) NAS and SSP aviation personnel traveled to Redstone Arsenal in Huntsville, AL to participate in the final UH-60M

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configuration meetings with AMCOM. Delivery from Sikorsky to AMCOM is one aircraft each in January, February and March of 2010. Installation of mission equipment and training of SSP pilots in these aircraft is expected to continue until the end of summer of 2010.

MANAGEMENT

41. (SBU) NAS Mexico hosted a week-long Contracting Officers Representative (COR) course resulting in the certification of 25 new CORs. NAS Mexico now has a large pool of certified staff available to be appointed by INL/RM and RPSO to provide on the ground contract oversight.

42. (SBU) OBO has completed the 100% design of the 265 office space. A Request for Proposal (RFP) has been transmitted to OBO's proposed design/build firm. Initial stages of the construction project are planned for January 2010.

43. (SBU) [redacted] arrived in October. In addition, [redacted] was promoted to NAS Contracting Officer and has received his Contracting Warrant (limit: \$250,000 per transaction), which will allow NAS Mexico to process more complex procurements.

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PASCUAL

Signature: PASCUAL

Info: DEPT OF TREASURY WASHINGTON DCROUTINE ; DEPT OF JUSTICE WASHINGTON DC ROUTINE ; FBI WASHINGTON DCROUTINE ; HQS WASHINGTON DC, DEAROUTINE ; DEPT OF HOMELAND SECURITY WASHINGTON DCROUTINE ; EPIC EL PASO TXROUTINE ; WASHINGTON DC, SECDEFROUTINE ; JOINT STAFF WASHINGTON DCROUTINE ; HQ USNORTHCOMROUTINE ; HQ USSOUTHCOM MIAMI FLROUTINE ; ALL US CONSULATES IN MEXICO COLLECTIVEROUTINE ; WHA CENTRAL AMERICAN COLLECTIVEROUTINE

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1 Q And was using those planes -- how did the use of those
2 planes to traffic cocaine compare in risk to other forms of
3 transportation?

4 A Well, it was very safe.

5 Q Why?

6 A Well, because there was control when the plane took off
7 and control where the plane landed, which was Mexico City.

8 Q Who had that control?

9 A The Government.

10 Q Did you pay Government officials to use that control?

11 A Yes.

12 Q Who did you pay?

13 A Well, I paid the federal highway and port police, I paid
14 AFI, and the attorney Oscar Paredes paid Palomino and his
15 people. It was a very safe way to work.

16 Q When you paid individuals at the airport, the airport
17 directors, for example, did you -- who did you intend that
18 money to go to?

19 A Well, for him and for his higher command.

20 Q And towards the end of your time in the Sinaloa Cartel in
21 2008, who were you paying to help you run the international
22 airport for the Sinaloa Cartel?

23 A I was paying Bayardo, Piqueño, Rosas, Fidel, those with
24 the secretariat for public security.

25 Q And how much were you paying them?

1 A An average of \$250,000 per month.

2 Q Tell us a little bit about how you would actually traffic
3 cocaine through the airport.

4 How would it work with commercial flights?

5 A Well, here, we would transport bags with cocaine and the
6 amounts were from 200 to 250 kilos per flight. The plane
7 would land and the baggage handlers would be in charge of
8 removing the bags that already had -- they had a means of
9 identify them -- identifying them by a logo they had, they
10 would take them out, they would deliver them to the officers
11 who worked with the airport and Port federal police, they
12 would load them up on their patrol cars, and then that's how
13 we would get them.

14 Q You said you also used private jets.

15 How would you traffic cocaine through the
16 international airport with private jets?

17 A Well, at the time, those planes would come mainly from
18 Venezuela, and it was seen as a charter flight that brought
19 Venezuelan tourists, it carried a flight plan and everything,
20 and it would land, and then it would go through a section
21 where there were some warehouses, in an area that was
22 controlled by the federal preventive police. That's where the
23 cocaine would be unloaded, and then the jet would be refueled
24 and then it would just get out of the airport.

25 Q Who would unload the cocaine?

1 A Four or five, or maybe a few more.

2 Q And did you ever see Ivan Reyes meet with Arturo Beltran?

3 A Yes.

4 Q And I'd like to show you what's marked as Government
5 Exhibit 18 for identification.

6 Do you recognize this person?

7 A Yes.

8 Q Who is that?

9 A That's Ivan Reyes.

10 MR. [REDACTED] No objection.

11 THE COURT: Received.

12 (Government Exhibit 18 received in evidence.)

13 Q Now, did Ivan Reyes have a nickname?

14 A Yes.

15 Q What was that?

16 A Reina.

17 Q What does that mean?

18 A Well, that was his nickname, his code, that's how we knew
19 him.

20 Q And what does Reina mean?

21 A Well, you know, that's how they had called him, queen.
22 That was his code word.

23 Q Are you familiar with someone named Ramon Pequeno?

24 A Yes.

25 Q Who is that?

1 A A federal police officer, also one of Garcia Luna's
2 people. He was high ranking.

3 Q Did Ramon Pequeno have a connection with the Sinaloa
4 Cartel?

5 A Yes.

6 Q And what was it?

7 A He also worked for the Sinaloa Cartel.

8 Q And did you ever meet him?

9 A Yes.

10 Q Did you ever see him meet with Arturo Beltran?

11 A Yes.

12 Q And is there anything you remember about Ramon Pequeno's
13 appearance?

14 A Yes.

15 Q What is that?

16 A That he had dark spots on his skin.

17 Q And where were those spots?

18 A In his face.

19 Q Are you familiar with someone named Victor Garay Cadena?

20 A Yes.

21 Q Who is that?

22 A Also a commander. He worked with AFI and later on with
23 the federal police. He was a corrupt police officer. He also
24 worked for the Sinaloa Cartel with Mayo's, Chapo's faction.

25 Q And I want to show you what's marked on the screen as



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

FJN:RCH/PP
F. #2019R00927

*271 Cadman Plaza East
Brooklyn, New York 11201*

February 1, 2022

TO BE FILED UNDER SEAL

By Hand and ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Ivan Reyes Arzate
Criminal Docket No. 20-030 (BMC)

Dear Judge Cogan:

The government respectfully submits this sentencing letter in advance of the defendant's sentencing. On October 19, 2021, the defendant pled guilty to the lesser included offense of Count One of the Indictment charging him with international cocaine distribution conspiracy, in violation of Title 21, United States Code, Sections 963, 960(b)(1)(B)(ii) and 959(d). For the reasons set forth below, the government respectfully requests that the Court impose a sentence of 10 years' imprisonment.

I. Background

As set forth in the Presentence Report ("PSR"), Mexican Sensitive Investigative Units ("SIUs") are comprised of U.S.-vetted Mexican Federal Police personnel working with the United States government to combat narcotics trafficking, money laundering, and other criminal activities. SIU officers receive direct training from the Drug Enforcement Administration ("DEA") and the Department of Justice. These vetted police officers are trusted to work with U.S. law enforcement personnel on investigations into, among other things, Mexican drugs cartels. U.S. law enforcement agencies also routinely share sensitive information with SIU personnel so that the U.S. and Mexican governments can work collaboratively to investigate and prosecute drug traffickers. Drug traffickers targeted by these operations are often arrested in Mexico and extradited to the United States for prosecution. See PSR ¶ 5.

Between 2003 and 2016, the defendant was a Mexican Federal Police Officer assigned to SIU. Between 2008 and 2016, he was the SIU Commander, making him its highest-

ranking officer. In that role, the defendant was the principal point of contact for information sharing between U.S. and Mexican law enforcement personnel assigned to the SIU. He routinely had contact with and worked collaboratively with DEA agents in Mexico City to target drug traffickers working for Mexico's most dangerous cartels. See PSR ¶¶ 4-6.

During the relevant time, El Seguimiento 39 was a sophisticated drug trafficking organization with a vast cocaine distribution network stretching from Colombia to the United States, including New York City. The cartel obtained cocaine from sources of supply in South and Central America and used drug transportation cells in Central America to transport cocaine into Mexico via boats, aircraft, and commercial vehicles. From Mexico, the cartel's transportation network moved cocaine across the U.S.-Mexico border at ports of entry in Texas and California and then into cities throughout the United States. To date, law enforcement officers have seized thousands of kilograms of cocaine and millions of dollars in drug-related proceeds connected to El Seguimiento 39. El Seguimiento 39 bribed police officers to further its drug trafficking activities. See PSR ¶¶ 7-8.

In 2016, in his role as SIU Commander, the defendant became aware of a pending DEA investigation into El Seguimiento 39. Shortly thereafter, the defendant personally met with leaders of the cartel, shared information with them about the U.S. investigation and accepted a \$290,000 bribe in exchange for his assistance and the assistance of other corrupt officials. The defendant was fired from SIU the following day. See PSR ¶ 9, 27.

On March 27, 2017, the defendant made his initial appearance in the Northern District of Illinois on a complaint and arrest warrant issued on February 10, 2017. On July 27, 2017, a grand jury in the Northern District of Illinois returned an indictment charging the defendant with obstruction of justice conspiracy and obstruction of justice, both in violation of 18 U.S.C. § 1512(c)(2). See United States v. Reyes-Azarte, 17-CR-84 (N.D. Ill.). In 2018, the defendant pled nolo contendere to those charges. The court sentenced him to 40 months' imprisonment. The defendant was scheduled to be released from custody on January 27, 2020, and deported to Mexico soon thereafter. The charges in the Northern District Illinois case also stemmed from the defendant's corrupt activities on behalf of El Seguimiento 39.

On January 23, 2020, a grand jury in this district returned an indictment charging the defendant with cocaine distribution conspiracy, cocaine importation conspiracy and international cocaine distribution conspiracy. The defendant was arrested prior to his release from federal custody in connection with his prosecution in the Northern District of Illinois. The defendant has been in custody since his arrest in 2017.

On October 19, 2021, the defendant pled guilty before this Court to the lesser included offense Count One of the indictment, charging him with international cocaine distribution conspiracy. As part of his plea agreement, the defendant stipulated that he is responsible for conspiring to import more than 450 kilograms of cocaine.

II. Sentencing Guidelines

The government agrees with the Guidelines calculation set forth in the PSR, and submits that this Guidelines calculation should be applied:

Base Offense Level (§§ 2D1.1(a)(5) & (c)(1)))

38

| | |
|----------------------------------------------------------------------------------------|-----------|
| Plus: Defendant Bribe or Attempted to Bribe Law Enforcement Officer ((§ 2D1.1(b)(11))) | +2 |
| Plus: Defendant Abused Position of Trust ((§ 3B1.3) | +2 |
| Minus: Acceptance of Responsibility (§ 3E1.1) | -3 |
| Total: | <u>39</u> |

See PSR ¶¶ 15-25. The total Offense Level for Count One is 39, which, based on a Criminal History Category of I, carries a Guidelines range of 262-327 months in custody. This calculation differs from the government's initial estimate as set forth in the plea agreement, which erroneously did not include the two-point enhancement for abuse of position of trust. The government submits that the U.S. Probation Department's Guidelines Calculation is correct and should be applied in this case. The defendant is subject to a five-year mandatory minimum sentence of incarceration.

III. A Sentence of 10 Years' Imprisonment is Appropriate

The government respectfully submits that a sentence of 10 years' imprisonment is sufficient but not greater than necessary based on the facts of this case.

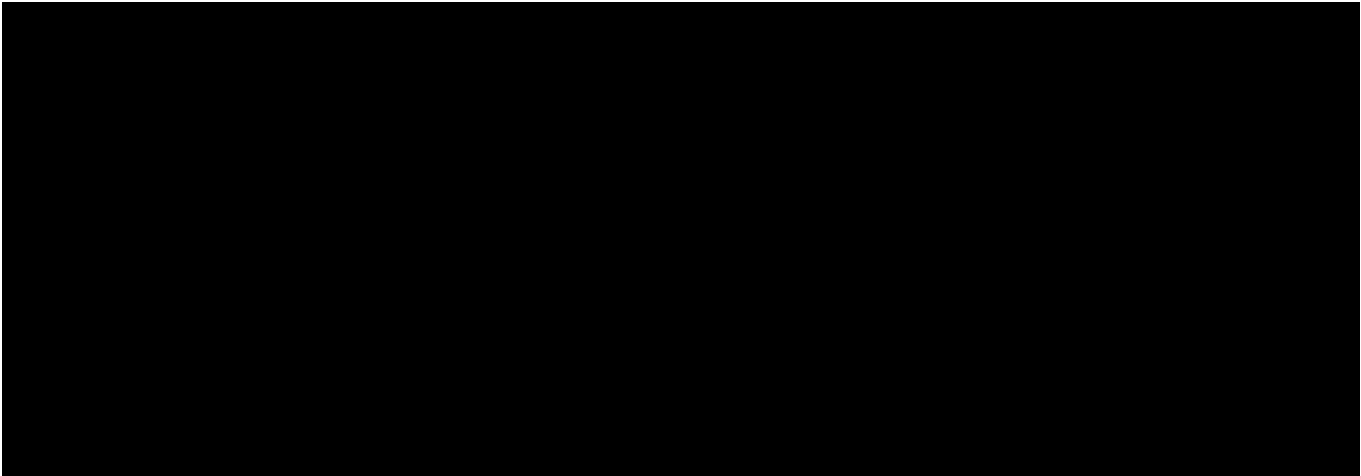
The nature and circumstances of the instant offense are inherently serious and support a significant sentence. See 18 U.S.C. § 3553(a)(1). The defendant was the SIU's highest-ranking officer and was the principal point of contact for information sharing between U.S. and Mexican law enforcement personnel assigned to the SIU. Instead of upholding the rule of law and working with U.S. law enforcement to combat the trafficking of drugs into the United States, the defendant accepted a \$290,000 bribe from El Seguimiento 39 in exchange for his assistance and the assistance of other corrupt officials. Although the defendant's conduct with respect to El Seguimiento 39 was limited because he was fired from SIU shortly after he accepted this bribe, a significant sentence is warranted for this serious and corrupt conduct.

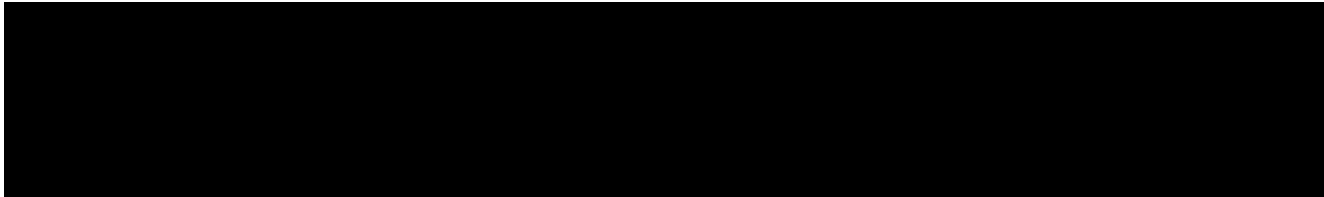
The defendant's personal circumstances also support a significant sentence. Unlike some members of drug trafficking conspiracies who are often recruited in Mexico under difficult personal and financial situations, the defendant committed this offense solely for financial gain even though he enjoyed a stable upbringing in Mexico, received a college degree in law, and was employed as a high-ranking police officer in a highly sensitive position. Simply put, the defendant chose greed and corruption over the well-being of the citizens of Mexico and the United States.

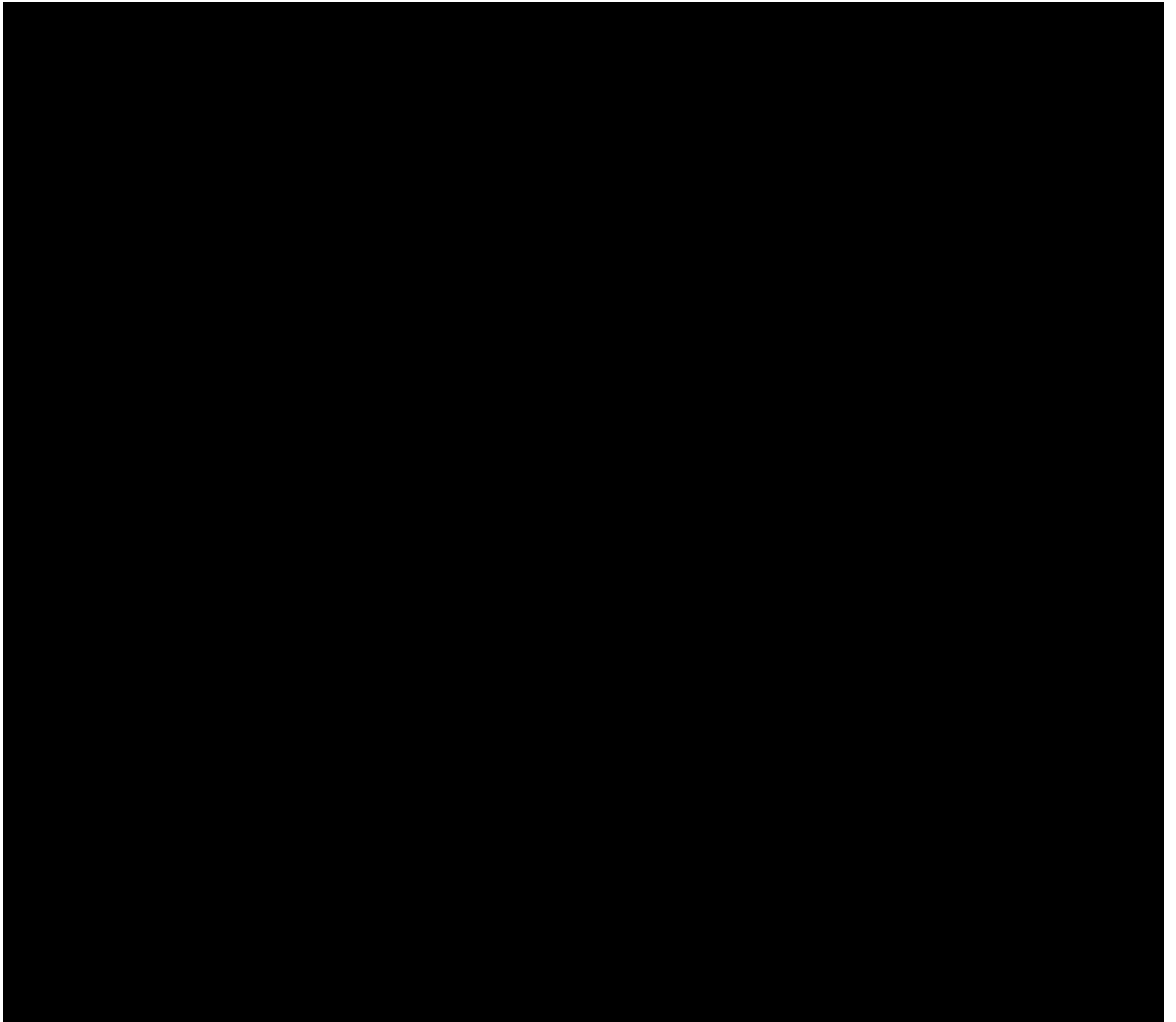
Although the risk of the defendant reoffending is likely low given that he will not regain his position of trust after he returns to Mexico, a significant sentence will serve as general deterrence for this serious conduct. See 18 U.S.C. § 3553(b)(2)(B). As this Court is aware, it is far too common for law enforcement officers in Mexico to corruptly forge alliances with cartels which send large quantities of drugs to the United States and routinely commit horrendous acts of violence. A significant sentence will demonstrate that the United States remains committed to rooting out corruption, wherever it exists, and preventing drug cartels from sending massive quantities of drugs into the United States.

The defendant submits that a mandatory-minimum sentence of five years' imprisonment is sufficient in this case for several reasons, including because a lengthier sentence would create unwarranted sentencing disparities with other cases of corrupt officials. (Def.'s Letter at 12.) Although the defendant cites three cases in support of his argument, the government submits that a sentence of 10 years' imprisonment – far below the Guidelines range – would not create unwarranted sentencing disparities, while still accounting for the defendant's relative culpability in the drug trafficking conspiracy. For example, a former member of the Honduran National Police was sentenced last year in the Southern District of New York to 12 years' imprisonment for conspiring to import cocaine into the United States when he worked with a drug trafficking organization by engaging in drug trafficking, money laundering, sanctions evasion, and debt collection. See United States v. Juan Manuel Avila Meza, 15-CR-174 (LGS) (S.D.N.Y.). In that case, although the defendant stipulated to possession of a weapon under U.S.S.G. § 2D1.1(b)(1), he faced a Guidelines range of 210 to 262 months' imprisonment, significantly shorter than the defendant's Guidelines range in this case. Several co-defendants in that case, also law enforcement officers in Honduras, received sentences from five to 14 years' imprisonment.

Although the defendant does not explicitly request that the Court consider his 40-month sentence stemming from the case in U.S. District Court for the Northern District of Illinois in determining the sentence in this case, the defendant states that “the charged conduct [in Illinois] is part of the instant offense and Mr. Reyes has been incarcerated since surrendering in Chicago on March 27, 2017.” (Def.'s Letter at 13 n.7.) The government concurs with this statement and submits that the Court can, in its discretion, consider the defendant's sentence imposed in the Northern District of Illinois in determining the appropriate sentence in this case. See U.S.S.G. § 5K2.23 (providing that a downward departure may be appropriate where a defendant has completed serving a term of imprisonment resulting from another offense that is relevant conduct to the instant offense of conviction).








V. Conclusion

For the foregoing reasons, the government respectfully requests that the Court impose a sentence of 10 years' imprisonment.

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/

Assistant U.S. Attorneys
(718) 254-6489/6106

cc: Clerk of the Court (BMC) (By ECF)
Counsel of Record (By ECF and E-mail)
U.S. Probation Officer Frank Nikolaidis (By E-mail)

1 2012. Did anything significant happen on that day regarding
2 the information you provided about Chapo Guzman?

3 A Yes. That information was utilized by our Mexican
4 counterparts, SE MAR, which is Mexican navy, and federal
5 police to go and attempt to locate Chapo Guzman in that
6 vicinity.

7 Q Did they locate him that day?

8 A No, they did not locate him on that day.

9 Q After they didn't locate him, what happened next?

10 A After they were not able to locate him, we were able to
11 bring in the U.S. Marshals. It was decided to bring in the
12 U.S. Marshals to come in and attempt to locate him for a
13 second time in that area.

14 Q What was your role?

15 A My role was to go there and coordinate with the U.S.
16 Marshals and our Mexican federal counterparts in an attempt to
17 locate Chapo Guzman.

18 Q When you say "go there," what do you -- where are you
19 referring to?

20 A To Cabo San Lucas.

21 Q You traveled down to Cabo San Lucas?

22 A Yes, I did.

23 Q On February 21, 2012, what happened that day?

24 A That's the day that myself and other Tijuana regional
25 office personnel from DEA arrived in Cabo San Lucas, and we

1 met up with our federal counterparts from Mexico.

2 Q Can you just tell the jury who exactly you were
3 coordinating with that day, both on the U.S. side and the
4 Mexican side?

5 A On the side U.S. side it was the DEA and the U.S.
6 Marshals, and on the Mexican side it was federal police.

7 Q And who -- was there a specific unit in the federal
8 police you were working with?

9 A Yes. It was the SIU, or the Special Enforcement Unit,
10 that we were working with and coordinating with.

11 Q Who was the head of the SIU unit overall at that time?

12 A My understanding it was Ivan Reyes.

13 Q Had you met Ivan Reyes prior to that day?

14 A Yes, I had.

15 Q Was Ivan Reyes in Cabo San Lucas with you on February 21,
16 2012?

17 A No, not on that date.

18 Q Once you arrived in Cabo San Lucas on the 21st, were you
19 attempting to track Chapo Guzman's phone?

20 A Yes. The U.S. Marshals were attempting to track the
21 phone and try to find out the general location of where he
22 might be.

23 Q And where from the phone tracking did it appear that
24 Chapo's phone was?

25 A In an upscale neighborhood there in Cabo San Lucas,

1 Hacienda Encantada is what it was called.

2 Q Ultimately, what happened on February 21?

3 A On February 21, we were unable to enter that location
4 because there was various security gates that didn't allow us
5 access, so we had to come up with another plan the next day
6 and figure out how to come in there and get into the area.

7 Q I just want to back up for a second.

8 In this attempt to capture Chapo Guzman, were you
9 going to be doing the arresting?

10 A No, sir, I was not going to be doing the arresting.

11 Q Why not?

12 A The FBI or other U.S. government agencies do not have any
13 jurisdictional powers in Mexico.

14 Q So who was going to actually do the arrest?

15 A The Mexican federal police.

16 Q Was there a specific unit in the federal police that was
17 leading that operation?

18 A It was the Special Enforcement Unit and the other federal
19 officers over there at the scene.

20 Q What happened the next day, February 22?

21 A The next day, early in the morning, we were able to gain
22 access to a nearby upscale hotel that we thought might give us
23 access to the location where we thought Chapo Guzman to be.
24 We were unable to get into the location we wanted to, so we
25 came up with a better plan to be executed later during that

1 day.

2 Q What was the better plan?

3 A Basically to come back, gather at the staging location,
4 all of us together, and then have the SIU team enter the area,
5 detain the guards at the security gates so they would allow us
6 access into the area and so that we could do the work that we
7 need to do to locate Chapo Guzman.

8 Q In your training and experience, what are some of the
9 steps you take to set up a capture operation for a fugitive?

10 A First you got to come up with a plan, and after that --
11 which goes over all the details of how it's going to be
12 executed. You come up with a staging location, where you're
13 going to meet right before you execute that plan so that
14 everybody is ready to go. And everybody goes in unison to the
15 location that is going to be targeted.

16 Q You've mentioned a couple of times a staging location or
17 a staging area. What's that?

18 A A staging location is usually a place that is picked
19 nearby the target that you're going to go and do an operation
20 on, and it's in close proximity, not necessarily nearby so
21 you're not -- so they don't find out that you're there. And
22 we utilize that to just stage one more time before we go and
23 conduct the actual operation.

24 Q Those steps you listed that are usually successful for
25 capturing a fugitive, did you take those steps that day?

1 A That is what we planned, yes, to take.

2 Q When was the operation planned to start?

3 A It was supposed to start -- we were supposed to all be
4 there at the staging location at 1:30 p.m. on the 22nd.

5 Q Based on your training and experience, what's the
6 significance of having a start time for an operation?

7 A Because of the nature of the operation we were going to
8 conduct and the individual we were targeting, it was vital,
9 and it was a time-sensitive operation that we needed to make
10 sure we started on time, especially because of the equipment
11 we were using, and it was tracking that phone there. And
12 there's always a possibility of that phone moving or that
13 person moving, so we needed to make sure that we start on
14 time.

15 Q In this case, did the operation start on time?

16 A No, it did not.

17 Q What happened?

18 A At 1:30 we arrived. We were there at the staging
19 location, and 52 of the federal police officers that were
20 supposed be there were not there.

21 Q How many federal officers were there at that time at 1:30
22 p.m.?

23 A Twelve of the Special Enforcement Unit team.

24 Q And when were those other 52 officers suppose arrive?

25 A They were supposed to be there at 1:30.

1 Q And what happened next after they weren't there at 1:30?

2 A After that we had the SIU commander or lead call them to
3 try to get them there as soon as they can.

4 Q And what did he say and what did you say?

5 A They told him they will be there in 20 minutes, and they
6 never showed up after 20 minutes.

7 Q How long did it take for them to eventually show up?

8 A Approximately an hour.

9 Q What were you doing during this delay?

10 A During that time, other than pressuring my SIU
11 counterpart to continue to get them out there as soon as we
12 could, I was fielding calls from Mexico City from FBI and DEA
13 executive management.

14 Q How were you feeling during this delay?

15 A Anxious, desperate, a little bit angry for folks not
16 being there on time, and just uneasy about this whole
17 situation.

18 Q Why was it so important for you to move quickly?

19 A Like I mentioned, we need to work quickly. It's a
20 time-sensitive matter. There's a fear of the target that
21 we're going after being able to move or go somewhere else.

22 Q Why not just go in with the 12 federal police that you
23 had available at the time?

24 A Going in there with the 12 SIU personnel that we had
25 would not have been a safe maneuver. To target someone as

1 high as Chapo Guzman, you cannot go in there with 12 federal
2 forces.

3 Q So I think you said at some point the remainder of the
4 federal police units arrived?

5 A Yes. Approximately about an hour later, they -- the 52
6 other federal officers arrived at the staging location.

7 Q So in total, how many Mexican law enforcement officers
8 did you have with you for this operation?

9 A 64, sir.

10 Q How did that compare for a typical operation to target a
11 high-level target such as Chapo Guzman?

12 A I've been in other operations before where we targeted
13 much lower targets and they had over 200 federal police
14 officers plus other equipment, like helicopters.

15 Q So once the remainder of the officers finally arrived,
16 what happened next?

17 A When the other officers finally arrived, we went over the
18 plan as quick as we could. The 12 SIU federal police officers
19 make their way with us into the area. They were able to
20 detain all the security guards at the gates, allowing us
21 access into the general area that we wanted to be in, and from
22 there the U.S. Marshals began to pinpoint the exact location
23 of Chapo Guzman utilizing the equipment.

24 Q Why was it important for the U.S. Marshals to go in there
25 to do that?

1 A Because the U.S. Marshals are the ones who had the
2 equipment and they were the ones who were going to pinpoint
3 the exact location of Chapo Guzman.

4 Q Is being closer to the phone valuable for pinpointing the
5 exact location?

6 A Yes. That equipment best works when you're very close to
7 the phone. It gives you a real good approximate location
8 where it's at.

9 Q Was there a point where the Marshals identified the
10 likely location of Chapo's phone?

11 A Yes, there was.

12 MR. [REDACTED] I'd like to show for the witness only,
13 please, what has been marked as Government Exhibit 208-31.

14 Q Can you see that on your screen?

15 A Yes, sir.

16 Q What are we looking at here?

17 A This is the cul-de-sac that we -- or the U.S. Marshals
18 entered and were able to identify the -- what we thought was
19 the location of Chapo Guzman at that time.

20 Q Is this a fair and accurate depiction of where the
21 operation took place on that day?

22 A Yes. This is La Camino del Estero, and the location is
23 here visible. And I can point that to you if you want.

24 MR. [REDACTED] Your Honor, at this time seek to admit
25 Government Exhibit 208-31 into evidence.

1 MR. [REDACTED]: No objection.

2 THE COURT: Received.

3 (Government Exhibit 208-31, was received in
4 evidence.)

5 BY MR. [REDACTED]:

6 Q Now that the jury can see it, I see you've drawn a little
7 bit of a red line here on the map.

8 What does that red line indicate?

9 A This is the entrance to La Camino del Estero, which is a
10 cul-de-sac.

11 Q Based on the information from the U.S. Marshals, where
12 did it appear that Chapo Guzman's phone was?

13 A The location that we believed Chapo Guzman to be in was
14 in this -- at this particular residence right here, which is
15 114. But to be safe, because we're not 100 percent sure, they
16 wanted us -- or they wanted the SIU personnel and federal
17 forces to target this house as well.

18 MR. [REDACTED]: For the record, the witness has marked
19 first the house on the left of the map and then the one
20 directly to the right of it.

21 Q What did you tell the SIU commander on the scene about
22 where Chapo Guzman likely was?

23 A The SIU Commander Santos was with me when the U.S.
24 Marshals pinpoint the location, and I specifically instructed
25 him to -- when he goes back to the other forces, to target

1 these last two locations on La Camino del Estero, right here,
2 and that we believed him to be more likely in this last one,
3 but to target these last two.

4 And also one of the main things I went over with him
5 was the need to make sure that we secure those two areas by
6 securing the perimeter.

7 Q Can you circle on the map which one you told the SIU
8 commander was the more likely home that Chapo Guzman was in?

9 A Yes, this one right here (indicating).

10 Q Did the rest of the federal police eventually come up and
11 come into this area?

12 A Yes, sir.

13 Q And can you draw on the screen which house they went into
14 first?

15 A Yes. They hit this house here first before they moved on
16 to hit the last two on the cul-de-sac.

17 Q Was that --

18 MR. [REDACTED]: And for the record, the witness has
19 indicated the third house from the left in this cul-de-sac.

20 Q Was that part of the operational plan, to hit that house
21 that you just indicated first?

22 A No, that was not.

23 Q Based on your training and experience, was there any
24 reason to go to that house instead of the ones you identified?

25 A There was never any reason to go to that house at all,

1 period.

2 Q After they hit this house, which one did they hit next?
3 Can you draw an indication of which one they went to next?

4 A So after this one, they went to the next one right next
5 to it, right here (indicating).

6 Q Was that the one you believed Chapo Guzman was more
7 likely to be in?

8 A No, that was not the one that we most likely believed
9 that he was in.

10 Q Did they eventually enter the fourth residence, the one
11 that you have circled that he was more likely to be in?

12 A Yes, they eventually make their way to the residence.

13 Q How did they enter the residence?

14 A Through the front gate.

15 Q Based on your 20 years of law enforcement experience,
16 what, if anything, does law enforcement -- should law
17 enforcement do to cover the back of a residence?

18 A Based on my 21 years of experience of working with the
19 FBI, every operation that I've been a part of, we always cover
20 the rear and the perimeter of a residence before we target
21 that location.

22 Q When you say "cover it," what do you mean?

23 A When you cover it, that means that you bring your agents
24 or personnel to the rear of the residence to avoid the escape
25 of the person that you're looking for.

1 Q Based on what you could see, did the SIU cover the back
2 of the residence?

3 A No. I was in a position where I could see that no one
4 covered the rear of the residence.

5 Q Why didn't you cover the rear of the residence?

6 A Again, that wasn't my job to do. I have no
7 jurisdictional powers in Mexico. I cannot effect arrest, so
8 that was not my job to do.

9 Q What happened after the SIU eventually entered the fourth
10 residence?

11 A Approximately about ten minutes after they went to that
12 location, we drove to the front of the gate of the house, the
13 residence.

14 Q Was Chapo Guzman inside?

15 A No, Chapo Guzman was not inside.

16 Q What happened next once you arrived through the front?

17 A When I arrived through the front, I made my way into the
18 residence, where I noticed there were four individuals who had
19 been arrested. I began to utilize my BlackBerry telephone to
20 not only videotape, but take photographs of the residence and
21 the outside of it.

22 Q Did you see if the Mexican federal police were seizing
23 items?

24 A Yes.

25 Q What kind of items?

1 did wrong perhaps was not telling the DEA agents about the
2 work that I was doing, but the relationship --

3 THE INTERPRETER: Re-rendering by the interpreter.

4 THE DEFENDANT: The working relationship with the DEA
5 is a relationship of cooperation and it is not the
6 relationship to a boss. And that's what I feel was wrong.

7 THE COURT: In other words, you were taking -- you
8 acknowledge that you shared -- you solicited information from
9 U.S. law enforcement personnel regarding U.S. investigations
10 and you transmitted that to the drug agents, the drug groups;
11 is that right?

12 THE DEFENDANT: I do acknowledge that, your Honor,
13 but not under the circumstances that have been stated. I do
14 acknowledge it --

15 THE INTERPRETER: By interpreter --

16 (Pause.)

17 THE COURT: All right.

18 THE INTERPRETER: The interpreter requested for a
19 repeat.

20 THE DEFENDANT: The circumstances have changed --

21 THE INTERPRETER: Re-rendered by interpreter.

22 THE DEFENDANT: The circumstances evolved. That's
23 all.

24 THE COURT: All right. Thank you. It is now my
25 obligation to impose a sentence that's reasonable under all

1 MR. [REDACTED] Sorry. I apologize, Your Honor,
2 Government Exhibit 18 that's in evidence. Thank you. I
3 apologize.

4 Q Sir, do you recognize this person?

5 A I do.

6 Q Who is that?

7 A Evian Rey yes, sir.

8 Q Who is he?

9 A He was a commander of our SUI unit.

10 Q What does mean he was the commandery?

11 A He was our primary interlocutor between DEA and the
12 Sensitive Investigation Unit.

13 Q What does that mean, interlocutor?

14 A That we communicated through him with the SUI. So if we
15 needed support or if we needed to conduct an investigation, he
16 would be our primary point of contact.

17 Q How often did you interact with him?

18 A Weekly.

19 Q What was your understanding of who he reported to?

20 A He reported to Ramon Pequeno.

21 Q How do you know this?

22 A Because I worked with both together.

23 Q Did you ever see them together?

24 A Yes.

25 Q And did you ever discuss operations where they were both

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 17-CR-84 |
| v. |) | Honorable Harry D. Leinenweber |
| |) | Judge Presiding |
| IVAN REYES AZARTE |) | |

DEFENDANT'S CERTIFICATES IN SUPPORT OF HIS POSITION PAPER

Now Comes the Defendant, IVAN REYES AZARTE, by and through his attorneys,
[REDACTED] and [REDACTED], and submits 14 certificates in support of his position
paper. The certificates represent the following:

1. DEA Sensitive Investigative Unit Training Certification: November 21, 2002
2. Organization of American States, Inter-American Drug Abuse Commission and Royal Canadian Mountain Police Drug Enforcement International Observer Attachment Program: October 3, 2003
3. DEA Certification for Safety Clandestine Laboratory Seminar: July 22, 2005
4. FBI Latin America Law Enforcement Executive Development Seminar: September 5-28, 2007
5. FBI/Los Angeles Sheriff Department Executive Leadership Training Course: September 18 to October 16, 2008
6. DEA Sensitive Investigative Unit Training Program Advanced Course: July 2, 2010
7. DEA Award for Special Act or Service for Dedication to Duty and Outstanding Contributions: August 2011
8. DEA Certificate of Appreciation for Outstanding Contributions in the Field of Drug Law Enforcement: 2012
9. DEA Certificate of Appreciation for Valuable Assistance in Operation "Mama y Papa": December 18, 2013
10. DEA Certificate for Mexican Federal Law Enforcement Analysis Training: May 22, 2014
11. Certificate of Appreciation from New York Organized Crime Drug Enforcement Strike Force: April 2014
12. DEA Certificate for Mexican Federal Law Enforcement Analysis Training: May 22, 2014

13. ICE Certificate for Operation Diablo Express “In Commemoration of our bi-national effort forging friendship for our countries.” January 2016
14. Department of Defense Joint Operations Course Certificate: October 22, 2015
15. International Student Academic Report with Remarks on Academic Performance, Awards, and Other Information: October 2015

Respectfully submitted,

/s/ [REDACTED]

[REDACTED]

CERTIFICATE OF SERVICE

I, [REDACTED], an attorney, certify that in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case Filing (ECF), the foregoing document was served on August 22, 2018, pursuant to the District Court's system as to ECF filers.

Respectfully submitted,

[REDACTED]

[REDACTED]



United States Department of Justice Drug Enforcement Administration

This is to certify that

Ivan Reyes Arzate

has successfully completed the

Sensitive Investigative Unit Training Program

***conducted by the United States Drug Enforcement Administration
International Training Section at***

Quantico, Virginia

*In testimony thereof I subscribe my name
on this 21st day of November 2002*


Administrator, Drug Enforcement
Administration


Special Agent in Charge, Training


Chief, International Training

Supr. Mike GAUDREAU,
Director
Drug Branch
Royal Canadian Mounted Police

Mr. Ihor MALYNSKY,
Chief
Supply Reduction and Control
CICAD / OAS

29 September, 2003 to 3 October, 2003

**DRUG ENFORCEMENT
INTERNATIONAL OBSERVER ATTACHMENT PROGRAM**
at
Halifax, Nova Scotia
CANADA

Ivan Reyes Arzate

attended the

certify that:

**The Organization of American States (OAS)
Inter-American Drug Abuse Control Commission (CICAD)
and the
Royal Canadian Mounted Police (RCMP)**





United States Department of Justice Drug Enforcement Administration

This is to certify that

Ivan Reyes Arzate

has successfully completed the
Safety Clandestine Laboratory Seminar

conducted by the United States Drug Enforcement Administration
International Training Section at

La Sede de la Agencia Federal de Investigación
México City, México

In testimony thereof I subscribe my name
on this 22 day of July 20 05

Administrator, Drug Enforcement
Administration

Special Agent in Charge, Training

Chief, International Training



United States
Department of Justice
Federal Bureau of Investigation

Presents this Certificate of Completion to

IVAN REYES ARZATE


In recognition of having successfully completed the

Latin America Law Enforcement
Executive Development Seminar
México

FBI Academy, Quantico, Virginia
September 5-28, 2007


Section Chief Daniel McMullen
FBI Academy, Quantico, Virginia




Legal Attache Raul Corballeto
9139 Mexico City, Mexico

FEDERAL BUREAU OF INVESTIGATION

In conjunction with the

LOS ANGELES SHERIFF DEPARTMENT

Certify that

Ivan Reyes Arzate
has successfully completed



Executive Leadership Training Course

Sept 18, 2008 - October 16, 2008
Los Angeles, California

R. Loeble
Robert Loeble, Legal Attache
Mexico City, Mexico

Dee Baca
Leroy D. Baca, Sheriff
Los Angeles County



United States Department of Justice Drug Enforcement Administration

This is to certify that

Iván Reyes Arzate

has successfully completed the

Sensitive Investigative Unit Training Program Advanced Course

conducted by the United States Drug Enforcement Administration

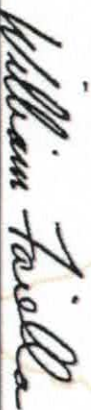
International Training Section at

Río Hato, Panamá

In testimony thereof I subscribe my name
on this 2nd day of July 2010



Administrator, Drug Enforcement
Administration



Special Agent in Charge, Training



Chief, International Training

DRUG
ENFORCEMENT
ADMINISTRATION


UNITED STATES
DEPARTMENT OF JUSTICE

PRESENTS THIS AWARD FOR

SPECIAL ACT
OR SERVICE
TO

Iván Reyes Arzate

FOR
DEDICATION TO DUTY
AND OUTSTANDING
CONTRIBUTIONS



Michele Leonhart

Michele M. Leonhart
Administrator
August 2011

DRUG ENFORCEMENT ADMINISTRATION

UNITED STATES
DEPARTMENT OF JUSTICE

PRESENTS THIS

CERTIFICATE OF APPRECIATION

TO Iván Reyes Arzate
Comisario

FOR
OUTSTANDING CONTRIBUTIONS
IN THE FIELD OF DRUG
LAW ENFORCEMENT



Briane M. Grey 2012
Acting Special Agent in Charge



Drug Enforcement Administration

United States
Department of Justice

PRESENTS THIS

CERTIFICATE *of* APPRECIATION

To

Iván Reyes Arzate

Comisario

FOR

*Your Invaluable Assistance in
Operation "Mamá y Papá"
December 18, 2013*

Paul K. Craine, Regional Director



COMISARIO IVAN REYES-ARZATE
Director General de Investigacion Sensitiva

In appreciation for your dedication into
SIU Op "Mama-Papa"
Mexico City Country Office Op "Class Act"
NYOCDESF Op "Sombrero"

From Your Friends at the
NEW YORK ORGANIZED CRIME
DRUG ENFORCEMENT STRIKE FORCE
GROUP Z-52
April 2014



United States Department of Justice Drug Enforcement Administration

This is to certify that

Joan Reyes Arzate


has successfully completed the

Mexico Federal Law Enforcement Analysis Training

conducted by the United States Drug Enforcement Administration
International Training Section at

Quantico, Virginia

In testimony thereof I subscribe my name
on this 22nd day of May 2014


Michelle Spector
Administrator, Drug Enforcement
Administration


James R. Briggs
Special Agent in Charge, Training


James S. Thompson
Chief, International Training



COMISARIO IVÁN REYES ARZATE

POLICIA FEDERAL, DIVISION ANTI-DROGAS
PHOENIX, ARIZONA / SONOYTA, SONORA

ENERO 2016

*"En conmemoración de nuestro esfuerzo binacional,
forjando seguridad y amistad para nuestros países"*



Department of Defense
Western Hemisphere Institute for Security Cooperation

Be it Known That

COL

Reyes Arzate, Ivan

Has successfully completed
the academic requirements for the

***Joint Operations Course
(JOC)***

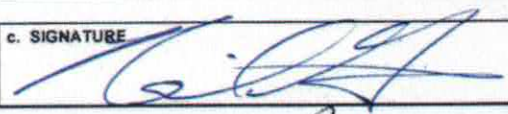
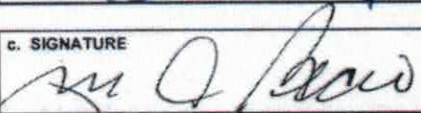
In witness thereof, and by the authority vested in us,
We do award this



Given this 22nd day of October, 2015
Fort Benning, Georgia, USA

ABEL TAVERA
CSM, USA
Command Sergeant Major

KEITH W. ANTHONY
COL, Special Forces
Commandant

| INTERNATIONAL STUDENT ACADEMIC REPORT (For International Military Students attending CONUS schools.) (See AR 12-15, AFJI 16-105, and SECNAVINST 4950.4 for forms completion instructions.) | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. FORWARDING ADDRESS (Subsequent training, if applicable, or country SAO) | | | 2. FROM (Training installation preparing form) | | |
| 3. STUDENT NAME (Last, First, Middle Initial) Reyes Arzate, Ivan | | 4. GRADE/RANK COL | 5. COUNTRY Mexico | 6. FMS CASE OR IMET FY AND WCN | |
| 7. COURSE TITLE JOINT OPERATIONS COURSE | | 8. COURSE ID NO. OPME-5 | 9. COURSE MASL B121430 | 10. DURATION OF COURSE a. FROM (YYMMDD) 150826 b. TO (YYMMDD) 151022 | |
| 11. DID STUDENT COMPLETE COURSE? (X one) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Explain in Item 15) | | 12. STUDENT WAS AWARDED: (X one) <input checked="" type="checkbox"/> a. DIPLOMA/CERTIFICATE OF COMPLETION <input type="checkbox"/> b. CERTIFICATE OF ATTENDANCE <input type="checkbox"/> c. OTHER (Explain in Item 15) | | 13. ENGLISH COMPREHENSION LEVEL (Enter test score) a. IN-COUNTRY TEST N/A b. CONUS TEST N/A | |
| 14. STUDENT'S ACADEMIC EVALUATION | | | | | |
| a. RATINGS SCALE (Enter in Items 14.b. and 14.c.) 1 EXCEPTIONAL 2 EXCELLENT 3 VERY SATISFACTORY 4 SATISFACTORY 5 UNSATISFACTORY (Explain in Item 15) 6 NOT OBSERVED (Explain in Item 15) | | b. LANGUAGE PROFICIENCY (1) COMPREHENSION (2) SPEAKING (3) READING (4) WRITING | | c. PERFORMANCE IN CLASS ITEM (1) ATTITUDE AND MOTIVATION (2) ATTENDANCE AND PUNCTUALITY (3) ABILITY TO GRASP INSTRUCTION (4) PERFORMANCE IN PRACTICAL EXERCISES (5) PARTICIPATION IN CLASS ACTIVITIES (6) POTENTIAL AS INSTRUCTOR (If applicable) | |
| | | | | RATING 1 1 2 2 2 2 | |
| 15. REMARKS ON ACADEMIC PERFORMANCE, AWARDS, AND OTHER INFORMATION (Use back if more space is required) During the Joint Operations Course at WHINSEC, COL Reyes' performance can be characterized as excellent, graduating with a grade point average of 3.59, and distinguishing himself for his active participation, dedication, and professionalism. This 255 hour course establishes a common level of understanding in joint operations for all students who will serve in a joint, combined and multinational force and educates and trains senior officers to serve as senior headquarters staff members of commanders who are capable of operating, and employing the Army's operational concept of unified land operations. The mix of senior seasoned military and national police officers in the course provides for an invaluable experience that will pay dividends in terms of regional security cooperation relationships that will last a lifetime. To demonstrate his level of learning, COL Reyes conducted numerous presentations and briefings, exams, written argumentative essays, and actively participated in multiple practical exercises, and daily group dynamics. This course included a 40 hour joint operations professional development exercise in which 8 major joint commands were visited within the US with the opportunity of developing on the ground experiences and further developing the relations of these future leaders of their respective countries and in addition provides for many beneficial cultural opportunities. | | | | | |
| 16. REMARKS ON STUDENT'S PARTICIPATION IN EXTRACURRICULAR AND COMMUNITY AFFAIRS (On and off training installation) (Use back if more space is required) COL Reyes participated in the Field Studies Program with the opportunity to visit the City of Atlanta and all its surrounding areas. The course had the opportunity to visit the National Infantry Museum. | | | | | |
| 17. EVALUATOR | | | | | |
| a. NAME (Last, First, Middle Initial) GREGORY, NEIL | | b. GRADE MAJOR | c. SIGNATURE  | | |
| 18. INTERNATIONAL MILITARY STUDENT OFFICER | | | | | |
| a. NAME (Last, First, Middle Initial) Jose A. Recio | | b. GRADE GS12 | c. SIGNATURE  | | |

1 A Four or five, or maybe a few more.

2 Q And did you ever see Ivan Reyes meet with Arturo Beltran?

3 A Yes.

4 Q And I'd like to show you what's marked as Government
5 Exhibit 18 for identification.

6 Do you recognize this person?

7 A Yes.

8 Q Who is that?

9 A That's Ivan Reyes.

10 [REDACTED]: No objection.

11 THE COURT: Received.

12 (Government Exhibit 18 received in evidence.)

13 Q Now, did Ivan Reyes have a nickname?

14 A Yes.

15 Q What was that?

16 A Reina.

17 Q What does that mean?

18 A Well, that was his nickname, his code, that's how we knew
19 him.

20 Q And what does Reina mean?

21 A Well, you know, that's how they had called him, queen.
22 That was his code word.

23 Q Are you familiar with someone named Ramon Pequeno?

24 A Yes.

25 Q Who is that?

1 A A federal police officer, also one of Garcia Luna's
2 people. He was high ranking.

3 Q Did Ramon Pequeno have a connection with the Sinaloa
4 Cartel?

5 A Yes.

6 Q And what was it?

7 A He also worked for the Sinaloa Cartel.

8 Q And did you ever meet him?

9 A Yes.

10 Q Did you ever see him meet with Arturo Beltran?

11 A Yes.

12 Q And is there anything you remember about Ramon Pequeno's
13 appearance?

14 A Yes.

15 Q What is that?

16 A That he had dark spots on his skin.

17 Q And where were those spots?

18 A In his face.

19 Q Are you familiar with someone named Victor Garay Cadena?

20 A Yes.

21 Q Who is that?

22 A Also a commander. He worked with AFI and later on with
23 the federal police. He was a corrupt police officer. He also
24 worked for the Sinaloa Cartel with Mayo's, Chapo's faction.

25 Q And I want to show you what's marked on the screen as

1 this person?

2 A Yes.

3 Q Who is that?

4 A That's Armando Espinosa de Benito.

5 [REDACTED] No objection.

6 THE COURT: Received.

7 (Government Exhibit 20, was received in evidence.)

8 [REDACTED] If I can come up?

9 THE COURT: Okay.

10 BY [REDACTED]

11 Q At the time of this incident, do you have an
12 understanding of who Armando Espinosa de Benito reported to?

13 A He was Garcia Luna's people.

14 Q Did you ever meet other individuals who worked with or
15 under the defendant, Genaro Garcia Luna?

16 A Yes.

17 Q I want to talk through some people. Are you familiar
18 with someone named Edgar Millan?

19 A Yes.

20 Q Who is that?

21 A He was someone who helped the federal judicial police in
22 the 90s in Tijuana. He was later on commissioner with the
23 federal police, and one of Garcia Luna's people.

24 Q Did he, Edgar Millan, have a relationship with the
25 Sinaloa cartel?

1 A Yes.

2 Q What was that relationship?

3 A He worked for the Sinaloa cartel but he was for the
4 faction that belonged to Mayo, Chapo, Ray, and all of them.

5 (Continued on next page.)

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1 Q Is it fair to say this was a very violent time?

2 A Yes.

3 Q Let's talk about Millan. Is that Edgar Millan?

4 A Yes.

5 Q Who is that?

6 A He was a commissioner for the federal police at that
7 time.

8 Q How did you learn that he was killed?

9 A Arturo told me about it.

10 Q What did you learn?

11 A The way that he had been killed and how they had been
12 able to obtain the keys to his home and go in and
13 everything.

14 Q Tell us what you learned about how he was killed and
15 the other details.

16 A Yes. The federal police under Millan started
17 conducting many operations to hit the Beltran Leyva cartel
18 and that's when Arturo decided, well, to kill Millan. They
19 had people, you know, both groups, they knew each other. We
20 used to be, you know, friends altogether before. Borrado
21 was able to get the keys to Millan's house. He gave them to
22 a gunman who went into the house and was in there before
23 Millan arrived. He killed him and he left.

24 [REDACTED] Your Honor, this might be a good time
25 for a break or I'm happy to keep going.

ACTION INL-00

INFO LOG-00 AID-00 CIAE-00 CPR-00 DEAE-00 DNI-00 DODE-00
 WHA-00 DS-00 DHSE-00 OIGO-00 UTED-00 VCI-00 DIAS-00
 H-00 TEDE-00 INR-00 LAB-01 ARMY-00 MOFM-00 MOF-00
 VCIE-00 NSAE-00 ISN-00 NIMA-00 PA-00 PM-00 GIWI-00
 ISNE-00 DOHS-00 SP-00 SSO-00 SS-00 NCTC-00 FMP-00
 PMB-00 DSCC-00 PRM-00 DRL-00 G-00 NFAT-00 SAS-00
 FA-00 SWCI-00 /001W
 -----90E756 131640Z /38

R 131628Z MAY 08
 FM AMEMBASSY MEXICO
 TO SECSTATE WASHDC 1828
 INFO ALL US CONSULATES IN MEXICO COLLECTIVE
 DEPT OF HOMELAND SECURITY
 CDR USNORTHCOM
 CDR USSOUTHCOM MIAMI FL
 DEPT OF TREASURY WASHINGTON DC
 NSC WASHINGTON DC

RELEASED IN PART
 B7(C),B7(D),B7(E),B7(F)

DECONTROLLED

UNCLAS MEXICO 001433

SIPDIS
 SENSITIVE

DEPARTMENT FOR INL

E.O. 12958: N/A
 TAGS: PREL, PGOV, PHUM, SNAR, KCRM, MX
 SUBJECT: NARCO-VIOLENCE SPIKES, TOP COPS TARGETED

REF: A. TIJUANA 408
 B. TIJUANA438
 C. TIJUANA 438
 D. CIUDAD JUAREZ 204

Summary

1. (SBU) Organized crime killings in 2008 are up over record numbers last year. Large scale shootouts around the country over the last two weeks have left dozens dead. And the cartels are not only killing each other but going after the police as well. Over the last ten days, assassins have killed high-ranking police officials in Tijuana, Ciudad Juarez and Mexico City [REDACTED]

[REDACTED] Much of the violence can be attributed directly to GOM success in disrupting the cartels. While President Calderon is insistent the GOM is undeterred in its efforts, the attacks on police are taking a toll as they struggle to meet recruiting targets. End Summary.

B7(D)
 B7(F)

2.(SBU) Mexican newspapers tally between 900 and 1100 organized crime homicides so far this year. Chihuahua, Baja California, and the State of Mexico each account for more

REVIEW AUTHORITY: Donna M. DiPaolo, Senior Reviewer

than 10% of these homicides. The states of Sinaloa, Michoacan, and Guerrero also figure prominently in the murder count. The last two weeks have been particularly bloody with a major shootout in Tijuana (April 26), which left 13 people dead, two back-to-back massacres in Guerrero (May 3 and 4) which left 17 ranchers dead, and a shootout in Zacatecas (May 6) which left 3 dead. The first 10 days of May registered over 100 drug-related homicides, almost 20 percent of which were law enforcement officials.

| Month | Police/Military | Total |
|----------|-----------------|-------|
| Jan | 23 | 248 |
| Feb | 19 | 245 |
| Mar | 20 | 232 |
| Apr | 11 | 107 |
| May 1-10 | 20 | 108 |
| Total | 93 | 940 |

OK Corral from Coast to Coast

3. (SBU) Mexico has been hit by a wave of violence across the country over the last two weeks.

-- Tijuana: The April 26 shootout among members of the Arrellano Felix Organization (AFO) left thirteen drug traffickers dead. Media speculate the violence resulted from a meeting of the rival factions which turned sour or the consequence of a kidnapping of members of opposing groups.

-- Guerrero: In two separate attacks in the southern state of Guerrero, 17 ranchers were killed by suspected drug hitmen. On May 4 at least 10 ranchers were killed in an attack by 40 armed men on the estate of a well-known and politically connected rancher, Rogaciano Alba Alvarez. The attack followed an attack on May 3 in which seven ranchers, who were on their way back from a meeting with Alba, were killed. The attack may have been an attempt to settle a score with Alba, whose two sons were killed in the attack and whose daughter was kidnapped. He had survived an earlier attempted assassination in Michoacan in 2006.

-- Zacatecas: On May 7, a clash between army soldiers and presumed cartel enforcers leaving an illegal horse race resulted in three deaths, including a young boy caught in the cross-fire.

-- Ciudad Juarez: Two-thousand troops and 500 federal police deployed to Chihuahua in late March may have resulted in restoring a semblance of order) media report that killings in the state appear to have declined from 25 per week to 26 in over the first three weeks of the operation.

Police Taking Major Hits

4. (SBU) Law enforcement and military officials continue to be targeted with just under 100 drug-related homicides through early May. In the first 10 days of May, police became a prime target, with the killings in this short time frame making up over 20 percent of police homicides committed during the prior four months. High-profile police killings include:

-- On May 1, unknown gunmen assassinated Robert Velasco Bravo, head of the Organized Crime Department at the Secretariat of Public Security (SSP). Velasco was a trusted and respected [REDACTED] leader in the [REDACTED] Sensitive Investigative Unit (SIU) Program. Although initial reports indicated that he died during an attempted robbery, the discovery of a murder weapon with a silencer and multiple head wounds suggest that it was a professional hit.

B7(F)

-- On May 3, apparent car-jackers murdered Aristeo Gomez, a senior administrative officer within the SSP. [REDACTED]

B7(E)

-- On May 3, SSP Secretary Garcia Luna eulogized Velasco, as well as Gomez, four other PFP officials killed April 17 in Tijuana, and four PFP officials were killed May 2 in a confrontation in Culiacan, Sinaloa.

-- On May 7, assassins killed Saul Pena, a senior Ciudad Juarez (CJ) municipal police officer. He was the third policeman to be killed in CJ in a 24-hour period and the 20th police official killed in the city this year. Pena was due to be named one of CJ's five police commanders.

-- On May 8, a lone gunman shot and killed Edgar Eusebio Millan Gomez, the Federal Police's General Coordinator for Regional Security. Police captured the shooter (a recent prison releasee) told police he had been paid by an unknown man \$10,000 to kill Millan. A close confidant of SSP's Garcia Luna, Millan coordinated state Federal Police delegates and was deeply in mixed police-military surges against the cartels. [REDACTED]

B7(E)
B7(F)

-- On May 9, Esteban Robles Espinoza (aka "El Lobo"), a top Mexico City police commander was shot seven times in his car by four attackers in a minivan near his home in the San Juan de Aragon neighborhood. Robles headed the Honor and Justice Commission, an internal affairs unit of the city's Attorney General's Office.

-- On May 10, deputy police chief of Ciudad Juarez, Juan Antonio Ramon Garcia, was shot dead. Garcia's name recently appeared on the top of a hit list found at a monument to dead officers.

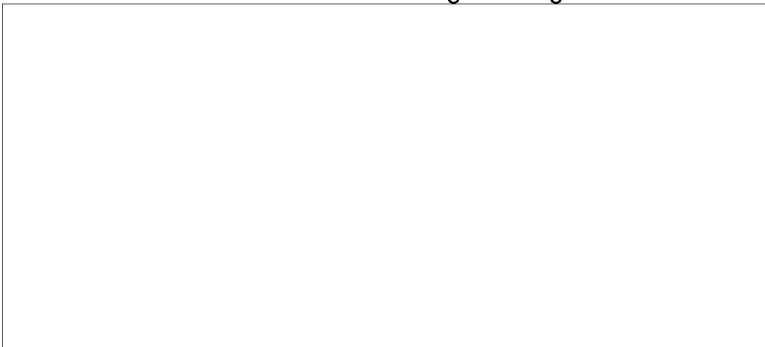
Cause and Effect

5. (SBU) GOM success in disrupting the cartels)- in the form of pressure applied through massive military/police surges along with more targeted arrests based on improved intelligence -- lies at the heart of the much of the violence both within and between cartel organizations. Arrests and killings create power vacuums that criminals seek to fill, often with guns. While violence is always present in these organizations, its spread and nature is constantly changing, always ratcheting upwards in brutality) from heads rolling across dance floors, to the assassination of El Chapo Gunman's 22-year-old son on May 9

B7(C)

B7(E)

6. (SBU) President Calderon insists the GOM is more determined than ever to win its war against organized crime.



B7(C)

B7(E)

7. (SBU) For now we have no reason to expect a major shift in terms of the violence. As long as the GOM keeps the pressure on the cartels, we can expect continued outbreaks of violence within and between the cartels as well as in the form of striking out against authorities.

Visit Mexico City's Classified Web Site at

<http://www.state.sgov.gov/p/wha/mexicocity> and the North American Partnership Blog at <http://www.intelink.gov/communities/state/nap/>
GARZA

NNNN

1 there?

2 A Yes.

3 MR. [REDACTED] I'd like to show what's in evidence as
4 Government Exhibit 36, please.

5 Q Who is this?

6 A Victor Garay.

7 Q Who is he?

8 A He was a commissioner within the SSP, Mexican Federal
9 Police.

10 Q What kind of stuff did he handle?

11 A He -- durinmy time, he handled operations, he handled --
12 he was a different division from -- from Pequeno and he
13 handled -- there was a unit that did special operations and it
14 was under his -- his division.

15 Q Were they focusing on drug traffickers?

16 A Yes.

17 Q Who did he report to?

18 A To Genaro Garcia Luna.

19 Q Did you ever meet Victor Garay?

20 A I did.

21 Q How many times?

22 A Once.

23 Q Can you tell us about it?

24 A I was conducting interviews at SIEDO pursuant to a
25 corruption case and he was present in the building when I was

1 A That the suspect might be intimidated because of his
2 presence.

3 MR. [REDACTED]: I would like to show what's already in
4 evidence as Government Exhibit 19-A.

5 Q Who is this?

6 A He is -- his name was Edgar Bayardo.

7 Q Who is he?

8 A He was a commander within a Mexican Federal Police unit.

9 Q Is that part of the SIU?

10 A No.

11 Q What was it?

12 A It was a narcotics unit independent of the SIU.

13 Q How often did you meet with him?

14 A Often, I'd say weekly or biweekly.

15 Q What would you meet with him about?

16 A About operations and investigations.

17 Q So even though he wasn't in the SIU, you would still meet
18 with him about operations?

19 A Yes.

20 Q And that was to target drug traffickers?

21 A Yes.

22 Q Who did he report to?

23 A He reported to Victor Garay.

24 MR. [REDACTED]: Thank you. We can take that down for
25 now.

Zambada - direct - [REDACTED]

956

A F T E R N O O N S E S S I O N

(In open court.)

(The Hon. [REDACTED], presiding.)

(Defendant present.)

(Jury enters.)

THE COURT: Everyone be seated and we will continue.

CONTINUED DIRECT EXAMINATION

BY MS. P [REDACTED]:

Q Mr. Zambada, who is Roberto Velasco?

A He was another commander who worked SIEDO.

Q Directing your attention to 2007, did Roberto Velasco work with any drug trafficking organizations at that time?

A That's right.

Q Who did he work for?

A For Arturo Beltran-Leyva.

Q Did you become aware of a plot to kill Roberto Velasco?

A That's right.

Q How did you learn about this murder plot?

A Well, Nacho Coronel told me that this commander was pretty much working in attacking Chapo's people and the entirety of the Sinaloa Cartel.

Q What did Nacho Coronel tell you about who wanted Roberto Velasco killed?

A That he was sending the message on behalf of Chapo and if I could help with by telling Mechudo to take care of that

Zambada - direct - [REDACTED]

957

1 matter.

2 Q Nacho is sending this message on behalf of Chapo?

3 A That's what he told me.

4 Q What did you say after Nacho Coronel told you about
5 killing Roberto Velasco?

6 A Well, I asked -- I called my brother Mayo on the radio
7 and I asked him if he knew anything about this guy who had
8 asked me for a favor from El Chingadazo and an interpreter
9 asked Bolanos and I said the message is from Mechudo.

10 Q Mr. Zambada, who is Chingadazo in this conversation?

11 A Well, that's what my brother Mayo and I would refer to
12 Nacho Coronel over the radio. And Bolanos was about Chapo?

13 Q And what does the term Chingadazo mean?

14 A Well, you know, something that is great. When you are
15 feeling great, I'm like Chingadazo and he would always use
16 that word to say he was doing phenomenal.

17 Q Who would use that word?

18 A Nacho Cornell.

19 Q So you are using the term Chingadazo to refer to Nacho
20 Coronel?

21 A Exactly.

22 Q And Bolanos to refer to the defendant?

23 A Exactly.

24 Q What is the purpose of using those terms to refer to
25 Nacho Cornell and the defendant?

Zambada - direct - [REDACTED]

958

1 A So that if there were any interception of the radio
2 communications they wouldn't know who we were talking about.

3 Q Did you play a role in this murder of Roberto Velasco?

4 A Well, yes. Once I spoke to my brother and my brother was
5 saying to me, well, if that Chingarazo guy was telling you and
6 if he is telling Bolanos then you don't even need to ask me he
7 said. Go ahead, go forward. Do that favor for them and don't
8 even ask that.

9 Q What did you do next?

10 A Well, I told Mechudo that they were asking for that
11 favor, right? Mechudo told me, listen, that's okay, but we
12 need some help to locate him. Tell Bayardo to help me because
13 he must know who he is because he works with the same agency.

14 Q Just to be clear, can you briefly explain who Bayardo is?

15 A Bayardo was a commander who worked for the Sinaloa
16 Cartel.

17 Q Now, what ultimately happened to Roberto Velasco?

18 A He was killed.

19 Q How do you know about this?

20 A There came the time that Mechudo told me that, let the
21 bosses know that everything is ready.

22 Q When he said, let the bosses know that everything is
23 ready, what did you understand Mechudo to mean?

24 A The same thing, for me to let my brother know and Chapo
25 know. That's what that phrase means.

Zambada - direct - [REDACTED]

959

1 Q What did Machado tell you the murder of Roberto Velasco?

2 A He also told me to tell them that he was going to take a
3 leave for about 30 days because he had been injured. He said
4 they sort of, you know, just hit me right here. There's a
5 scratch and I'm with the doctor right now and I need to have
6 surgery.

7 Q Machado said this?

8 A Yes, of course. He said I need about 30 days to rest.

9 Q Did you deliver the news to your brother and Chapo about
10 Velasco's murder?

11 A Yes. And I also called my Campa Nacho and told him that
12 things were ready.

13 Q Did you ever learn the circumstances of Roberto Velasco's
14 murder?

15 A Nacho told me that they had killed him when he was
16 leaving towards Tacuba at the building parking lot.

17 Q I'm now going to direct your attention to January 2008.
18 Did anything happen at that time with regard to the conflict
19 with the Beltran-Leyvas?

20 A That's right.

21 Q What happened?

22 A Well, they arrested Alfredo Beltran. I don't remember
23 the date, but it was towards the beginning of the year. And
24 after that, I think it was about two or three weeks later, the
25 war started.

Zambada - direct - [REDACTED]

960

1 Q During this full-blown war, did you become aware of a
2 plan to murder a Venezuelan man name Raul?

3 A That's right.

4 Q How did you learn about this?

5 A Well, the war had already started. It had been declared
6 and Raul was working for Arturo Beltran. Before that, he had
7 been working for us, for the Sinaloa Cartel and he knew a lot
8 about locations, our people, especially in Mexico City. And
9 my brother told me well, if Raul betrayed us we have to kill
10 him.

11 Q What, if anything, did you do to assist in this murder
12 plan?

13 A Well, I told Mechudo that there was a kill order and he
14 asked, well, how did we get him. And since he was Venezuelan
15 we installed a device at the airport through Bayardo so we
16 could detect him when he was about to travel.

17 Q What happened to Raul?

18 A Bayardo detected him one day that he was going to travel
19 and he took him in and he gave it up to Mechudo and he was
20 killed.

21 Q Now, you testified earlier that one of the original
22 Beltran-Leyva targets that Chapo and your brother Mayo
23 identified in that mountain meeting in 2007 was someone named
24 Rafita. Who is Rafita?

25 A Rafita was a commander with the judicial police, the

1 A Telephones, locations, vehicles, intelligence.

2 Q Was your office investigating Rey Zambada?

3 A Yes.

4 Q Why?

5 A We had a confidential source who had provided us a video
6 of a residence believed to be Rey Zambada's home in which we
7 saw a white Cherokee which belonged to Edgar Bayardo.

8 Q Did you see that video?

9 A I did.

10 Q Does it still exist -- withdrawn. Have you been able to
11 find it?

12 A No.

13 Q But you saw it back then?

14 A Yes.

15 Q And why was it significant to you that you saw a vehicle
16 believed to belong to Bayardo at Rey Zambada's house?

17 A Because Edgar Bayardo was a high-ranking official within
18 the Mexican Federal Police and it was worrisome that he was
19 meeting with a high-ranking member of the Sinaloa Cartel.

20 Q So after you saw this video of what was believed to be
21 Bayardo's vehicle at Rey Zambada's house, what did you do
22 next?

23 A Myself, along with my FBI partner, we -- we reported that
24 up the chain and informed our bosses.

25 Q What did you tell your boss?

1 A That we had information that Bayardo was meeting with
2 Rey Zambada.

3 Q And what did your boss say?

4 MR. [REDACTED]: Objection.

5 THE COURT: Sustained. What's it for?

6 MR. [REDACTED] May I have a sidebar, Your Honor, then?

7 THE COURT: Yup.

8 (Continued on the next page.)

9 (Sidebar conference.)

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1 (The following occurred at sidebar.)

2 MR. [REDACTED]: It's just going to explain what
3 happened next. My understanding is --

4 THE COURT: What's the witness going to say?

5 MR. [REDACTED]: He is going to say my boss said I have
6 to report this to Victor Garay, and the witness had
7 anticipated he will be unhappy about that because he's
8 concerned that it will be leaked, and what I anticipate the
9 witness will say is after his boss said he was going to report
10 it to Garay, that after that, they were not able to get
11 Rey Zambada at this location and that leak was significant to
12 the DEA because he was a significant drug trafficker.

13 THE COURT: So it's not being offered for a purpose
14 other than the truth. There is no truth, it's just being
15 offered as background to show what he did next?

16 MR. [REDACTED]: Exactly.

17 THE COURT: All right.

18 MR. [REDACTED]: It is to show what he did next, and
19 also to the truth that he did send it to Garay and the
20 government's information --

21 THE COURT: No. If you want me to give an
22 instruction that it's not being offered to show the statement
23 was true, but just to explain what the witness did next, I
24 will give that instruction --

25 MR. [REDACTED]: I don't think there's a need for

1 that.

2 MR. [REDACTED]: And I will elicit he was not present
3 when video was given to Garay.

4 (End of sidebar conference.)

5 (Continued on the next page.)

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1 (In open court; jury present.)

2 BY MR. [REDACTED]:

3 Q When we left off, you had told your supervisor about this
4 video of Bayardo at Rey Zambada's house. What happened next?

5 A My supervisor asked me to make stills of the video and
6 provide it to him because he was going to report it to the
7 Mexican Federal Police.

8 Q Who did he say he was going to report it to?

9 A To Victor Garay.

10 Q Were you present for that conversation?

11 A I was.

12 Q Sorry, were you present for the conversation between your
13 supervisor and Victor Garay?

14 A I wasn't.

15 Q After this happened, were you able to capture Rey Zambada
16 at this location?

17 A No.

18 Q Was this significant to the DEA that you were not able to
19 get Rey Zambada at that location?

20 A It was.

21 Q Why is that?

22 A Because he was a significant target and a significant
23 member of the Sinaloa Cartel.

24 Q Before, you mentioned Rey Zambada's arrest and that you
25 went to the scene shortly thereafter. Did you have any

1 Q And was using those planes -- how did the use of those
2 planes to traffic cocaine compare in risk to other forms of
3 transportation?

4 A Well, it was very safe.

5 Q Why?

6 A Well, because there was control when the plane took off
7 and control where the plane landed, which was Mexico City.

8 Q Who had that control?

9 A The Government.

10 Q Did you pay Government officials to use that control?

11 A Yes.

12 Q Who did you pay?

13 A Well, I paid the federal highway and port police, I paid
14 AFI, and the attorney Oscar Paredes paid Palomino and his
15 people. It was a very safe way to work.

16 Q When you paid individuals at the airport, the airport
17 directors, for example, did you -- who did you intend that
18 money to go to?

19 A Well, for him and for his higher command.

20 Q And towards the end of your time in the Sinaloa Cartel in
21 2008, who were you paying to help you run the international
22 airport for the Sinaloa Cartel?

23 A I was paying Bayardo, Piqueño, Rosas, Fidel, those with
24 the secretariat for public security.

25 Q And how much were you paying them?

1 A An average of \$250,000 per month.

2 Q Tell us a little bit about how you would actually traffic
3 cocaine through the airport.

4 How would it work with commercial flights?

5 A Well, here, we would transport bags with cocaine and the
6 amounts were from 200 to 250 kilos per flight. The plane
7 would land and the baggage handlers would be in charge of
8 removing the bags that already had -- they had a means of
9 identify them -- identifying them by a logo they had, they
10 would take them out, they would deliver them to the officers
11 who worked with the airport and Port federal police, they
12 would load them up on their patrol cars, and then that's how
13 we would get them.

14 Q You said you also used private jets.

15 How would you traffic cocaine through the
16 international airport with private jets?

17 A Well, at the time, those planes would come mainly from
18 Venezuela, and it was seen as a charter flight that brought
19 Venezuelan tourists, it carried a flight plan and everything,
20 and it would land, and then it would go through a section
21 where there were some warehouses, in an area that was
22 controlled by the federal preventive police. That's where the
23 cocaine would be unloaded, and then the jet would be refueled
24 and then it would just get out of the airport.

25 Q Who would unload the cocaine?

1 justice, that's all.

2 I also told them they had to send back the second
3 checks when they show up, because it would be a federal crime
4 to show up. They liked that.

5 (Jury enters the courtroom.)

6 THE COURT: All right. Everyone be seated.

7 Please continue, [REDACTED].

8 MS. [REDACTED]: Thank you, Judge.

9 DIRECT EXAMINATION (Continued)

10 BY MS. [REDACTED]

11 Q Mr. Zambada Garcia, I want to that you can talk to you
12 about a few specific commanders.

13 A Yes.

14 Q First, let's talk about an individual named
15 Edgar Millian.

16 Did you talk to your brother about Edgar Millian
17 providing assistance to the cartel from time to time?

18 A Well, sometimes. From time to time, I would hear talks,
19 conversations about him. He also helped the cartel by
20 situating commanders in plazas.

21 Q And you've mentioned several times a Commander Bayardo.

22 What was Bayardo's full name?

23 A Edgar del Villar Bayardo.

24 Q How did you first get to know Commander Bayardo?

25 A I met him a number of years ago when Amado Carrillo was

1 still around.

2 Q Did there come a time when he joined the federal police?

3 A Yes.

4 Q Did you assist him with that?

5 A Yes.

6 Q Can you tell us what happened?

7 A Well, at the beginning of President Calderon's
8 administration, he told me he had a way of getting into the
9 SIEDO. Which was part of the Federal Secretariat of Public
10 Security. I said -- so I asked him, what is it really all
11 about. And he said, well, I have this friend who can help us,
12 and for that help, we'd have to pay \$350,000 to the agency.

13 Q What did you do?

14 A I said, well, if that's the case, I could give that to
15 you, you could join and become part of the team.

16 Q Did you give him the \$300,000?

17 A 350.

18 Q Did you give him the \$350,000?

19 A Yes, I did.

20 Q Who was it intended for?

21 A He told me it was for someone by the name Victor Hugo
22 Garcia.

23 Q Did he tell you who that was?

24 A Yes. He told me he was Genaro Garcia Luna's nephew.

25 Q After you gave the money, what happened?

1 A Days later, he joined the agency.

2 Q And after he joined the Secretariat of Public Security,
3 who did he work for?

4 A For the Sinaloa Cartel.

5 Q Did you pay him separate and apart from his official
6 public salary?

7 A Yes, of course.

8 Q How much did you pay him?

9 A I paid him \$50,000 a month.

10 Q Did he get promoted over time?

11 A Yes.

12 Q What, if any, role did you play in those promotions?

13 A I helped him this one time with 100,000, another 100. It
14 was three times that I gave him money to help with his
15 promotions.

16 Q Who was that money for?

17 A Well, for Victor Hugo Garcia's team.

18 Q Did you have an understanding of who was part of that
19 team?

20 MR. [REDACTED]: Objection.

21 THE COURT: Sustained.

22 Q You said you paid for Bayardo to be promoted within the
23 federal police.

24 What was the significance of those promotions in
25 terms of how it served you?

1 A The more power he had regarding his promotions, the more
2 use he could be to the cartel.

3 Q How?

4 A Well, he provided us with information about operations,
5 about investigations, and he also helped us with security.

6 Q Did he provide you with information from U.S. law
7 enforcement agencies?

8 A No, not exactly. The information was really on a local
9 level. Sometimes when our jobs had been picked up by the
10 authorities, he would tell me that the DEA had seized them.

11 Q And did you have any knowledge about his access to DEA
12 information?

13 A Oh, he had a very close relationship with them, and I
14 heard him talking to DEA agents over his radio two or three
15 times.

16 Q What do you mean you heard him talking to DEA agents over
17 his radio?

18 Where were you?

19 A Some of the times he was in my office with me.

20 Q Were there any other individuals who worked with Bayardo
21 who you also paid and relied on for law enforcement
22 information?

23 A Yes.

24 Q Can you name some of them?

25 A Well, among them was Ramon Garcia Piqueño, a commander by

1 the name of Jorge, another commander by the name of Fidel.

2 Q Who did they report to?

3 A Well, to Genaro Garcia Luna.

4 Q Do you recall a time when Bayardo or Ulysses provided you
5 with information that there was a camera near your safe house?

6 A Yes.

7 Q Can you tell us about that?

8 A Sure. So there was this one time when Ulysses who was an
9 officer at the SIEDO, but he also worked for me, he came out
10 of one of my offices, one of my houses, and a friend of his
11 went over to him and he said, I saw you come out of that
12 house. He said, be careful, they're after the people who are
13 in that house, they're going to arrest them, they are
14 conducting an investigation, and then he said, there's a
15 camera right across from the house on a light post.

16 Q What did you do?

17 A I said to him -- I called Bayardo and I said commander,
18 Ulysses just gave me this piece of information. I told him
19 this in-person, of course. I told him, there's a camera up on
20 that street post, we're all being recorded, we have to get it
21 off there.

22 Q What did Bayardo do?

23 A He said he was going to see who was responsible for the
24 investigation and make sure that they stopped it, and then I
25 had to get rid of the camera.

1 We would put someone in this place. And those payments were
2 made directly to Mexico City, to the people in charge of
3 assigning them and sending them to different areas. That's an
4 important point. Hiring and firing and promotion decisions.
5 Those decisions go all the way to the top. You learned that
6 from the honest cops who came to testify.

7 Remember, Government Exhibit 711, that reinstatement
8 form for Francisco Canedo Zavaleta. Genaro Garcia Luna's name
9 was at the bottom of that. Those are the decisions that go
10 all the way to the top. And those are the decisions you can
11 hold the defendant responsible for.

12 Israel Avila testified about this, as well. Yes, we
13 had controlled over the placement of certain federal
14 officials. Actually, I remember. There's a time in Morelos
15 where Mario Pineda asked for some federal agents to be moved
16 because they had a better relationship with them. Were they
17 moved? Yeah, they were moved.

18 He wasn't the only one. Rey told you the same
19 thing. He had Commander Bayardo placed. Bayardo was
20 introduced into the federal police because Rey paid. And he
21 was promoted in the federal police because Rey paid. And he
22 got to a position that was very close with the DEA because Rey
23 paid. Rey also mentioned another commander,
24 Commander Vigueras, who was a friend of the Sinaloa Cartel.

25 And that's another name you should keep in mind